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California Journal

THE MONTHLY ANALYSIS OF STATE GOVERNMENT AND POLITICS

NEW GOP LEADER: 'CALL ME *MRS.*' CAROL HALLETT

• • •

Why the prisons are packed

Cranston's expensive 1980 campaign

The furor over vouchers

Does business really want deregulation?

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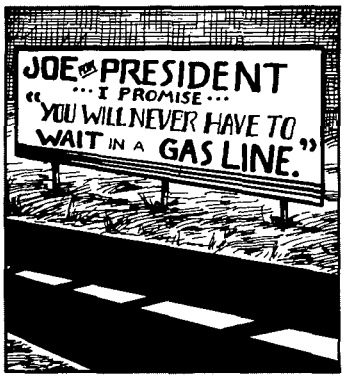
Personal

PERSPECTIVE

By Ed Salzman



Cory for president

Perhaps Jerry Brown and Ronald Reagan are the wrong Californians to be running for president these days.

Think back to 1974: The Democratic candidate for controller, then-Assemblyman Ken Cory, should have been defeated overwhelmingly when it was revealed that he had received more than $500,000 in campaign funds from two Orange County fatcats, Richard O'Neill and Dr. Louis Cella. Cory's opponent, the brilliant and zany Bill Bagley, tried to capitalize on the issue, but Cory won by more votes than Jerry Brown at the top of the ticket.

The reason: Cory had come up with the best slogan of the campaign, run soon after a gasoline shortage. The controller convinced a majority of California voters that he was "the man the oil companies fear most."

That is precisely the kind of campaign that could win the presidency for someone next year. If Cory could sell it to Californians in 1974, why can't someone ride the same slogan to the White House in 1980?

Next year's presidential election will be a one-issue campaign. The effort to balance the federal budget will be all but forgotten. Most Americans will have a vague notion that SALT II is a new Leslie product to make eggs tastier. Americans will vote their gas tanks, and the major petroleum companies will be public enemy number one.

It is significant that after the great gas crunch hit a few months ago, Jerry Brown decided he could be more generous with state money. Suddenly, it was not so important for him to carry an image as the toughest budget cutter in America. It was now more important that he direct his axe at the oil companies rather than at government spending.

Of course, the gas issue could vaporize before the election. OPEC nations could reduce the price of crude oil. Refineries could glut the market with petroleum products. Pump prices could drop. And the Toronto Blue Jays could win the World Series.

What's more likely to happen is that more and more Americans will feel the gas pinch and get as mad as Californians. Gasoline prices will continue to rise rapidly. Even if the price far exceeds $1 a gallon next year, it would still be cheap by Western Europen standards.

Gasoline will be the all-consuming issue in next year's presidential campaign because it affects our lifestyles dramatically and restricts our freedom to travel as we please. Americans hate to wait in long lines for a product that costs so much, they sense, because the consumer is at the mercy of Arab sheiks and corporate gluttons. Americans refuse to blame themselves for the gas crisis, and they become enraged when they see oil-company profits rise while motorists are suffering.

In a sense, the gas crisis is an answer to voter apathy. This issue will bring people to the polls who haven't considered voting for years. These voters will pay little attention to party or personality, only to evidence that someone at last will declare economic and political (if not actual) war on the sheiks and corporate shakers.

If Jimmy Carter could be elected president in 1976 with little more than a toothy smile to sell, why can't another relatively obscure politician (even a Cory) do just as good a selling job by convincing Americans that he or she is indeed the individual the oil companies fear most?

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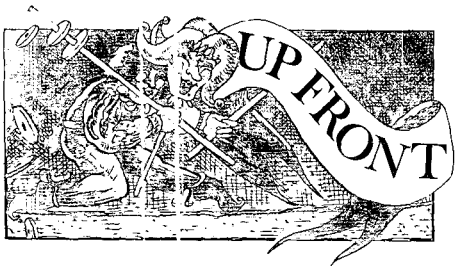

Who is the attractive mystery woman who has been accompanying Jerry Brown on four-mile jogs at Malibu? She doesn't look much like Ia Ronstadt.

The standard joke about the selection of Detroit by the Republicans for next year's national convention: The good news is that all the hotels are only five-minute walks from the convention hall. The bad news is that nobody has ever made it.

It happened at an Asian-American Day celebration in the state Health and Welfare Agency. Mario Obledo, the agency secretary, called for the presentation of a resolution from Secretary of State March Foo Young.

Legislative aides Cynthia Roberts and Dan Purnell are promoting a new organization called CACA — Citizens Against Conservative Action.

Howard Jarvis dumped thousands of letters on the doorsteps of state legislators from citizens calling for economy in government and lower taxes. Some legislators wanted to write to these citizens. Surprise: All the addresses had been cut off the letters. No way the Jarvis-Butcher-Forde combine was going to surrender such a valuable mailing list of potential campaign contributors.

Peter Coyote, chairman of the state Arts Council, shed his earring image in favor of business suits, the better to appeal for more money from straight legislators.

Environmentalists will be placed in a dilemma by a budding controversy over the future of the Geysers geothermal energy field in Northern California. Ecologists have long promoted maximum use of clean geothermal energy. But now the field is losing its potency, and the way to recharge it is to inject large quantities of water into the natural underground boiler. The logical way to get that water is from nearby rivers. Which would the environmentalists prefer, death of the energy field or damming of a stream?

Did the labor unions notice that Governor Brown recently entered the *Sacramento Bee* offices despite the presence of pickets outside the plant?

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'I AM NOT A FEMINIST, PERIOD'

HOW CAROL HALLETT CAPTURED THE GOP LEADERSHIP

By OTTO KREISHER

Nearly 20 years ago, a determined young woman named Carol Hallett became a legal secretary through on-the-job training. When a somewhat older, but still determined, Hallett came to Sacramento in December 1976 as a Republican assemblywoman from San Luis Obispo County, she wasted no time in quiet apprenticeship.

Hallett quickly established herself as a leading advocate of the cause of California agriculture and won a spot on the Assembly Rules Committee — one of the few rookies ever to serve on the influential panel.

One of Hallett's Republican colleagues at that time said she made it clear that she did not intend to stop there. The next move came with surprising swiftness, even by the mercurial standards of California politics. On May 9th, just five months into her second term, Hallett put together a coalition of GOP freshmen and sophomores to oust veteran Assemblyman Paul Priolo as Assembly minority leader. This sudden coup made her the first woman ever to hold one of the party leadership posts in the California Legislature.

Hallett's climb to power in the normally male-dominated field came a week after Margaret Thatcher led her Conservative party to parliamentary election victory in Great Britain and became the first woman ever to lead a major Western nation.

Because of the coincidence in timing, it was inevitable that Hallett would be compared to the new British leader and, indeed, there are similarities. Although she is an important symbol in the progress of women's fight for equality, Hallett, like Thatcher, separates herself from the militant women's liberation movement.

"I am not a feminist, period," she declares emphatically. In her first year in the Assembly, Hallett was invited to join the Women's Caucus, but she refused. Her legislative package shows no trace of feminist causes. She prefers Mrs. to Ms. And Hallett's election as minority leader came without the votes of the other three GOP assemblywomen.

Hallett's taste in clothes also leans to the traditional: skirted suits and well-tailored dresses, frequently topped off with a matching scarf. She seldom, if ever, appears around the Capitol in pants; her clothing and short hairdo are always as impeccable as a Marine at inspection.

The words her associates use to describe Hallett include "tough, articulate, intelligent, strong-willed, competent."

Former Senator Donald Grunsky, for whom Hallett worked as a district aide, says that she had a great ability to handle the office without any outside direction and was exceptional in handling the constituent services that are the main duty of a district staff.

And, Grunsky says of Hallett, "She is tough but not grating. She gets along well with people."

Hallett's service with Grunsky was a key part of her rapid success in the Legislature. It provided her with a wealth of experience before she first took her seat on the Assembly floor. "I never felt when I came up here that I had a lot of learning to do," Hallett says. "I understood all the issues and I understood the rules."

Getting started

The 41-year-old Hallett was born in Oakland but grew up in Carmel. She was in her junior year at San Francisco State University when she married James Hallett, 21 years ago. She went to work while her husband continued the education that led to his becoming a university professor. She never finished college.

After working as a secretary, office manager and legal secretary, Hallett decided to take a break when they moved to San Luis Obispo where James was to teach at California Polytechnical Institute.

Having worked as a volunteer in a number of Republican campaigns in the past (She notes that she can "balance" work in one of the late Nelson Rockefeller's presidential bids with work in the 1964 Barry Goldwater campaign.), Hallett worked in the 1966 campaigns for Grunsky and the late William Ketchum, then a GOP assemblyman. The two men had promised to open offices in San Luis Obispo County if elected and, after the campaign, Hallett wrote them both and volunteered to run a district office.

Otto Kreisher is the Sacramento correspondent of the San Diego Union *and a frequent contributor to the* Journal.

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Undaunted by lack of a reply, she telephoned Ketchum's Sacramento office and came up for an interview. When Ketchum, a pilot, found that she also could fly, Hallett says he told her, "If you can fly an airplane, as far as I'm concerned, you can have the job."

Then Grunsky agreed to hire her, too, and Hallett opened what she says was the first joint legislative office in the state. She served both the assemblyman and the senator, first as a secretary and then as an administrative assistant.

Not only did Hallett handle the office and deal with the constituent problems, but she frequently substituted for the two legislators in making speeches throughout the district. The experience paid off in 1976, when Grunsky decided to retire, and Robert Nimmo, who then represented the Assembly district in which Hallett lived, made the move for Grunsky's Senate seat. She had never thought of running for office, but when people in the district asked her, she talked it over with her husband and decided to try. Hallett won a four-way GOP primary by 5,000 votes and took the general election by 10,000 votes, even though the Democratic leadership had targeted her district.

Grunsky says he had no hesitation in supporting Hallett for the Assembly seat. "She was a natural," he says. "I knew she was a winner."

Virtually from the moment she took her seat, Hallett was on the move up. In addition to serving on the Rules Committee, she became vice chairman of the new Rural Caucus, formed to give the outvoted agricultural, timber and lightly populated areas a better voice in the Capitol.

Making it possible

Ironically, Hallett's rapid rise to minority leadership was made possible largely by the efforts of the man she replaced — Paul Priolo — and one of the men she beat out for the job — Bruce Nestande. Priolo frequently is credited with helping the Republicans make a strong comeback from an impotent low point of 23 Assembly seats in the 1977-78 session. The Republicans won seven additional seats in the 1978 elections. Nestande, as caucus chairman, had directed staff assistance to the new GOP candidates and made appearances for many of them.

But no sooner did the 16 new Republicans take their seats in the Assembly than the unusually militant "Class of Proposition 13" started looking for someone to replace the two leaders. As early as January, reporters heard rumors that the freshmen, who constituted a majority of the GOP caucus, were looking for someone to challenge Priolo. Hallett's name was mentioned as one of those the "Proposition 13 babies" were approaching.

Nothing seemed to happen until Priolo made the move that precipitated his downfall: announcing that he would not seek re-election to his Assembly seat next year but would either run for the right to challenge Democratic U.S. Senator Alan Cranston or would retire to private business. Priolo said it was his intention to step down as minority leader in October, when the Legislature recessed. He and his supporters thought they had an agreement with all potential challengers that he would be allowed that graceful withdrawal.

But there is an axiom in politics that there is very little difference between a lame duck and a dead duck. Priolo's timetable soon was trampled in a competitive rush to replace him.

Hallett and all the other rivals point at each other for starting the political arms race. But everyone agrees that once it got started, the whole thing escalated out of control until Priolo was pushed out. The timing, it is unanimously conceded, was wrong for everyone.

Assemblyman Dave Sterling, a strong and vocal conservative sophomore from Hacienda Heights, was part of the

competition, but he says that Hallett initiated the final push. Sterling says he had been approached by the freshmen early in the session but had told them it was the wrong time to change leaders. "So they started to look around. Hallett let it be known she was interested," he says.

Sterling admits that he later started to line up votes for a transition in July, after the budget negotiations were completed, rather than in October. But, he says, he started his preparations only after hearing Hallett was lining up her votes.

Hallett claims that she "was truly the third one" to start anything. One neutral observer says Sterling's preliminary steps may have triggered the race. Regardless of who made the first move, Sterling, Hallett and Nestande were all working feverishly by late April to lock up the 16 votes necessary to win the leadership post.

Nestande was handicapped from the start. As a Priolo loyalist, he could only prepare for the time Priolo stepped down. And Nestande, a third-term moderate from Orange, never could appeal to the rambunctious bloc of freshmen who were stirring the pot. "To the Proposition 13 babies," Nestande admits, "Paul and I, for one reason or another, were establishment. It's fun to attack the establishment, to flex your muscles. Hallett was able to capitalize on that."

Hallett says that she had been approached several times by the freshmen and sophomores who wanted to replace Priolo but had done nothing about it because "I didn't think this was the right time." But around the first of May, she says, "my supporters came to me and said, 'You better get moving. Sterling and Bruce are out there talking to people and drumming up votes. If you are interested,' they said, 'you better get going.' "

Curb's assistance

Two men apparently played significant roles in Hallett's successful push — Republican Assemblyman Charles Imbrecht of Ventura and Lieutenant Governor Mike Curb. Imbrecht, a well-respected sophomore, is credited with bringing some votes to Hallett and was rewarded by replacing Nestande as caucus chairman after the coup.

Curb's role is a matter of controversy as to its significance, its causes and its long-range impact. The youthful lieutenant governor freely admits that he contacted a number of GOP members asking them to support Hallett, and he prides himself on thinking he made a difference.

Hallett's rivals credit Curb with convincing Assemblyman William Filante, a freshman from Greenbrae, to switch from Nestande to Hallett, giving her the 16th vote. Filante admits he discussed the matter with Curb but questions that his shift clinched Hallett's success.

Curb's involvement is a source of great bitterness among the losers and of concern among veteran GOP legislators.

Continued

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They say that tradition dictates that members of the executive branch keep out of solely legislative activities, particularly something as touchy as leadership fights. But Curb has shown a great willingness to ignore — if not an outright ignorance of — Capitol traditions and protocol.

Priolo and Nestande have expressed anger, not only at Curb's breaching the traditional line between executive and legislative operations but also at what they consider his deception. Both say Curb assured them shortly before Priolo's ouster that he would not be involved.

The main reason Curb got involved was his strong ambition for political advancement. The losers and some neutral observers believe it was an effort to establish himself clearly as the leading Republican in the state. Priolo was considered a threat to Curb because of his proven ability to attract favorable news coverage as minority leader and the credit he was given for the GOP gains in the Assembly. With Priolo out of the picture, Curb could become the leading GOP spokesman in the Capitol.

There also is talk about ill feelings between Curb and Nestande because of Nestande's endorsement last year of both Curb and former Assemblyman Mike Antonovich in the lieutenant governor's race. Also, Curb failed to back Ken Maddy whom Nestande was helping in the gubernatorial race.

Curb says simply that he long has supported Hallett and believes that a person in high office must show leadership. A former Republican official familiar with the Assembly action notes that while Curb may have stirred up a lot of bitterness with some Republicans, he could gain because "he came up a winner."

Stay of execution

Regardless of the significance of Curb's role, Hallett was able to get 16 signatures on a letter backing her for minority leader. That brought into play one of the strongest rules in politics: When you have the votes, you use them.

Hallett, however, was willing to give Priolo a stay of execution. She says — and Priolo agrees — that she offered him the chance to stay in the job until July, after he had completed the job of representing the GOP in the ongoing negotiations with Assembly Speaker Leo McCarthy over the budget and a long-range solution to local government finances in the post-Proposition 13 era.

But, Priolo says, he rejected that offer because "I couldn't conceive of entering into negotiations with McCarthy as a lame duck." Those kinds of negotiations are so tough, Priolo says, that it would have been impossible for him to bargain if he had to go back to a caucus that no longer backed him to get approval for what he was doing.

Instead, Priolo submitted his resignation at his usual weekly news conference, saying he wanted to concentrate on his campaign for the U.S. Senate. Although Priolo and Hallett both tried to make it seem that Priolo's decision to step down was voluntary, it soon became clear that he was forced out.

The impact of the shift at such a crucial time is difficult to assess. It was widely assumed that the militant freshmen who propelled Hallett into power would force her into scrapping Priolo's approach of selective cooperation with McCarthy in favor of more confrontation. But one of her first acts was to meet with McCarthy and to declare that she intended to work with the majority to get a long-range financing plan enacted.

An early slip

However, she started off on the wrong foot when she tried to take public credit for getting "the Democrats on the track" toward enacting the permanent plan this year. An obviously miffed McCarthy told his next news conference that he had never lost his interest in pushing the long-range plan in time to avoid a second-year Proposition 13 bailout of local government.

Veterans on both sides express concern that Hallett and her leadership team of freshmen and sophomores lack the experience to handle the complex negotiations ahead. Hallett's inexperience may have shown up already. She joined other GOP leaders in predicting the easy passage by the Assembly of two bills to make more gasoline available in the state by relaxing some of the air quality rules. She demanded that Governor Brown immediately sign the bills.

But, when the bills came to a vote in the Assembly, they failed badly as a number of Republicans voted "no" or did not vote. Among the GOP defectors were Priolo and Nestande.

Among veteran Assembly members, Hallett's freshmen supporters are ridiculed as "the crazies," a term that angers the new leader. The veterans also predict that Hallett may be in the uncomfortable position of the mythical lady on the tiger, because her position depends on the rather impatient bloc of 13 freshmen who supported her.

One former GOP legislator puts it this way: "Hallett has to realize that the so-called children of 13 owe their allegiance to being children of 13 first, not Carol. Carol has to fit, in some measure, their idea of what carrying out the mandate of 13 is. If she doesn't, they could turn on her."

It also is possible that the disgruntled GOP veterans could be prone for picking by McCarthy if the Hallett coalition gets into a confrontation that the senior members consider unreasonable. The vote on the gasoline bills may have been only the first of many defections by the older Republicans, particularly by those who have ambitions for higher office and must appeal to a more moderate base of voters.

Meanwhile, Hallett is exercising what appears to be team leadership, lacing her statements with references to the caucus position or "her team." But it is a team that is woefully short of experience and, in the view of the more veteran legislators, painfully short of patience and practicality.

It will be a major challenge to Hallett's skill and strength to channel the restless energy of her coalition into positive results. If she cannot, the Republicans could suffer and the lady could end up inside the tiger.

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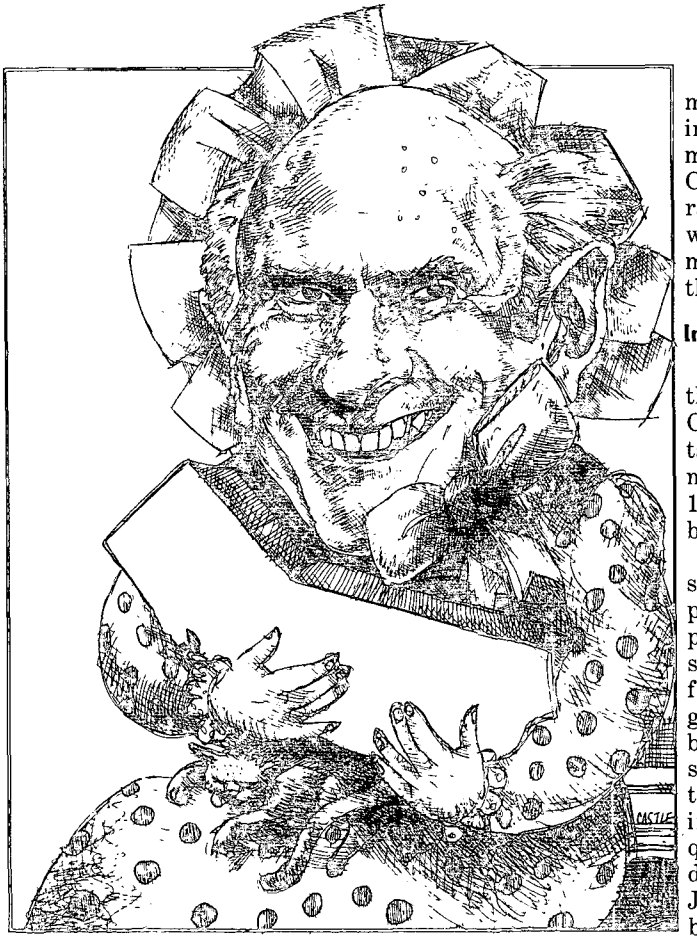
Why millions will flow in Cranston's 1980 campaign

By Leo Rennert



Tom Kuchel likes to tell the story that soon after he came to Capitol Hill as a freshman U.S. senator from California, Richard Russell of Georgia took him aside and carefully explained his sure-fire method of winning reelection. Russell, then the leader of the Senate's inner circle, told Kuchel: "Thomas, my boy, if you want to say in this place, you've got to remember one simple rule. During the first four years of your six-year term, you can afford to be a statesman. In the fifth year, however, you have to be a politician. And in the sixth year, you've got to be a sonofabitch."

For Kuchel's successor, Democrat Alan Cranston, this is the Year of the Politician as he prepares to seek a third term in 1980. By almost any measurement, this also promises to be his most difficult campaign. In 1968, the California GOP was in tatters after conservative Max Rafferty knocked off Kuchel in the primary. Helped by the Republican bloodbath, Cranston breezed into the Senate. In 1974, the year of Watergate, Cranston won a second term by a record 1.4 million votes over a weak right-wing opponent, state Senator H. L. Richardson.

This time, the political landscape has changed drastically. Democrats with "liberal" labels are in retreat; Proposition 13 is the new dogma; the New Right is tooling up for a well-financed national drive to break the Democratic grip on the Senate next year; a Democratic president is on the ropes and may drag down the rest of the ticket.

Cranston, who likes to run scared even against feeble opposition, is confident he can ride out the storm. During more than 10 years in the Senate, he has carefully built a broad support base that runs the gamut from ethnic minorities and environmentalists to big bankers, Hollywood movie moguls and the aerospace industry. Organized labor remains solidly in his corner. Cranston's off to an early start, raising a big campaign chest for what almost certainly will be the most expensive Senate race in the nation.

Leo Rennert, Washington correspondent for the McClatchy Newspapers, is a regular Journal *columnist.*

In the backseat

Mindful of the Russell rule for the fifth year of a Senate term, Cranston also has begun to make tactical and legislative adjustments to shore up his position for 1980. The statesman is taking a backseat to the politician.

Cranston, for example, was all set to push a bill this year to expand federal aid for child-care programs. The legislation had strong support from labor and from liberal and women's groups. But when conservatives began attacking it as a big-spending boondoggle and a sinister wedge for state interference in family affairs, Cranston quickly folded his tent and abandoned the bill. Having joined Jerry Brown in an effusive embrace of Howard Jarvis after the passage of Proposition 13, he was not about to go out on this kind of limb.

Similarly, the Alan Cranston of 1978 who helped kill off plans by the Disney Corporation for a year-round ski resort at Mineral King in the High Sierra has turned into the Alan Cranston of 1979, the skiers' new friend. Efforts to expand wilderness areas have been superseded by a sudden rush to open federal domain on Mount Shasta for skiing. Cranston also is pushing for more skiing on national forestlands in the Mammoth Mountain-June Lakes section on the eastern slopes of the Sierra. It's not that he has retreated from earlier environmental initiatives; it's just that he's also discovered that skiers vote.

Cranston's need to promote California interests more aggressively is putting strains on his relations with the White House — a political price he so far has been quite willing to pay. During the great gasoline crunch, presidential aides were sure they had his vote for President Carter's standby gasoline rationing bill. But when the White House tinkered with the plan to give Texas and other states a bit more gas at

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the expense of California motorists, Cranston bolted. Not only did he vote against Carter but he actively lobbied the California delegation in the House to turn against the rationing plan. With strong California opposition, the House killed the rationing scheme. An angry Carter accused Congress of political timidity and parochialism. Cranston hailed the President's defeat as "a victory for California."

When his own neck is not on the line, the senator genuinely likes Carter and often has shown that he is prepared to give him the benefit of the doubt. As the Senate's assistant majority leader, Cranston also is keenly aware that he has a national — not just California — constituency. In fact, if the Senate had taken up the same version of Carter's gas-rationing plan last year, there's little doubt Cranston would have swallowed his reservations about its adverse impact on California and would have voted for it. But 1979 is too close to election time for such "statesmanship." For the rest of the 96th Congress, if Carter wants Cranston to bite the bullet, it had better not be a California bullet.

The best and worst

Another sign of Cranston's shift into a pre-election mode was the escalation of his attacks on Energy Secretary James Schlesinger. As a dove on foreign policy, Cranston has never liked Schlesinger's hawkish views. When Carter took office, Cranston helped prevent his appointment as secretary of defense. After Schlesinger took over the energy post, Cranston was quick to criticize him for his support of nuclear power and his neglect of solar energy. But with the advent of the Three Mile Island nuclear accident and the gas crisis, Cranston saw a perfect opportunity to enhance his own re-election prospects by really clobbering the increasingly unpopular Schlesinger. With only a few minutes advance notice to the White House, he called a news conference to demand that Schlesinger be fired. Getting rid of the secretary may not produce more gas at California filling stations or usher in the solar Age of Aquarius, but scapegoating has its value in a political campaign in helping to deflect attention from one's own record and performance.

For Cranston, who's just turned 65, these would seem to be both the best of times and the worst of times. His fondest dream — to finish his political career in the Senate — has come true. He's at the height of his power and influence as the No. 2 man in the leadership. The White House courts him. Most special-interest groups in California appear satisfied with his legislative work and votes. California polls continue to give him a high-performance rating. (An early June poll by Mervin Field showed Cranston with large pluralities when matched against each of six possible GOP challengers.) Yet, he's perceived by California Republican leaders as a ripe target in 1980. Privately, several California Democrats in the House agree that he's much more vulnerable than he cares to admit. Although in excellent health, he's taken on a gaunt look that may be a serious handicap in a youth-worshipping state that has little respect for incumbents.

Still, in totaling up the pluses and minuses for his re-election prospects, Cranston starts off with some solid assets. In modern California political history, with all its rapid razzle-dazzle changes, he remains the quintessential survivor. He showed great skill in bouncing back from statewide defeats in the 1964 Senate primary against Pierre Salinger and in the 1966 Reagan sweep when he was ousted as state controller. After only two years on the sidelines, Cranston managed a comeback with an even more glittering prize — the U.S. Senate. Long years of grassroots and organizational work in the California Democratic Party paid off. Today, he's still reaping the fruits of these early party-building efforts. There may be an entire new generation of elected Democrats in the state, but many came into office

with campaign help from Alan Cranston.

Also, while he's taken quite a few strides away from the classic liberalism of the 1950s, when he founded the volunteer movement of the California Democratic Council, old ties and loyalties die hard. As every California poll will tell you, Alan Cranston is not John Tunney. Many California liberals who pounced on Tunney and helped bring about his downfall in 1976 are still in Cranston's corner, although a good argument could be made that Cranston in some respects deviated more from the liberal line than his former junior colleague. Perceptions, however outdated, tend to matter more than voting records. Even after Tunney reached the Senate, he remained tagged as an Eastern playboy. The liberal wing ostracized him. To many people in his own party, he was forever an outsider. On the other hand, Cranston's slow but steady rightward shift has produced hardly a ripple of discontent. The old liberal image still flickers sufficiently to ward off any serious challenge from the left. Tom Hayden, now on his own merry ride toward political respectability, is not about to tangle with Cranston as he did with Tunney.

An attack from the left

The only visible attack from the left is being conducted by an unreconstructed New Dealer and feisty consumer advocate — William Bennett of the state Board of Equalization. Bennett announced his candidacy last year after Cranston reversed an earlier liberal position, broke with labor and consumer groups, and went along with the White House in favor of deregulation of natural gas prices. Yet Bennett is the first to admit that he has no money, no campaign organization, and that even many Democrats on the left feel that he's on a hopelessly quixotic course. Says Bennett of Hayden, who might have posed a bigger threat to Cranston: "Tom's an opportunist still hungry for elective office, but he's waiting for an easier shot. He's become a Howard Jarvis with liberal rhetoric."

If Cranston need not fear a repeat of the Tunney scenario, there also is no indication that he will succumb to some of the mistakes that finally brought Kuchel down. Like Cranston, Kuchel held a major leadership post — the No. 2 job of whip on the Republican side. But Kuchel became too much a part of the Washington establishment and, when challenged by the right wing and Rafferty, suddenly found that his home base had shriveled up. Not only is Cranston likely to be spared any serious intra-party attacks, he's also been very careful to keep in close touch with Californians of various political shades. He piles up one of the biggest telephone bills on Capitol Hill and he's arranged his Senate schedule to accommodate a maximum number of homestate visits.

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More important, Cranston has built up considerable political credit with many influential California constituencies, including some that quite often are at each other's throats. Except for the far left and the far right, he has tried — if not always with success — to monopolize the rest of the political spectrum. For example, when the opportunity arose to fill nine federal judgeships in California, he picked two women, two blacks, two Chicanos, two Jews and one WASP. And he did it with all the fanfare and panoply of a new "merit-selection" process that was supposed to wipe out the last vestiges of the old discredited patronage system. It's not every day that a new "reform" facade and an old-fashioned political necessity manage to blend so beautifully. Yet Cranston pulled it off, while assuring one and all with a straight face that he would never follow any "rigid quotas."

Most of his foreign-policy positions also coincide with the wishes of key ethnic blocs. Jewish voters have been pleased with his support of Israel and his break with Carter over the sale of jets to Egypt and Saudi Arabia. Greek-American voters are grateful for his opposition to U.S. arms shipments to Turkey — another issue on which he parted company with the White House. Blacks can take comfort in his refusal to go along with any quick lifting of economic sanctions against Zimbabwe-Rhodesia. Chicanos find satisfaction in his pressure on Carter to pay more attention to Mexico and in his opposition to punitive measures against illegal aliens

Cranston's greatest personal objective — detente with the Soviet Union and limits on nuclear arsenals — also may turn into a political plus for 1980. In the next few months, he will play a highly visible role as a leader of Senate forces pushing for ratification of the new strategic arms-limitation treaty (SALT II). Cranston is fond of remarking that California has more peace groups and more defense contractors than any other state. Paradoxically, SALT may satisfy both camps. Liberals will applaud the treaty because it may ease tensions between the superpowers and put at least a limited ceiling on weapons that could destroy mankind. But SALT also allows each side to pursue major improvements and innovations in sophisticated armaments. Defense spending will go up — not down. Cranston may vote against bloated Pentagon budgets, but California defense manufacturers will still get plenty of work. Who says you can't have your cake and eat it too?

Looking across California's entire economic spectrum, it would be difficult to find an important business or industrial sector that Cranston hasn't helped along the way. He preserved tax loopholes for movie studios and independent oil producers, helped kill pro-consumer credit reforms that bankers didn't like and went to bat for farmers on crop-subsidy programs. Agribusiness interests have found him at least half-way sympathetic in their efforts to relax or abolish acreage limits on farmlands entitled to cheap federal irrigation water.

As chairman of the Senate Veterans Committee, Cranston has championed expansion of veterans' education, health and education programs. Not only is this a potent constituency in California, but there is another — perhaps more important — political advantage for Cranston in building up IOUs with veterans' groups. He still remembers the McCarthy era when he was a target of right-wing attacks on his early liberal activities, including service as national president of United World Federalists. It's nice therefore to have American Legion and Veterans of Foreign Wars insurance just in case an opponent were still tempted to let fly with pinko charges.

Growing liabilities

Finally, Cranston is bound to benefit from the sudden kamikaze tendencies of his junior colleague, Republican S. I. Hayakawa. Until recently, Hayakawa was determined to play a major role in marshaling Republican opposition to Cranston and even went so far as to stage his own talent hunt to find suitable challengers. But since he embarked on a self-destruct course by falling asleep at White House meetings and by asserting that "a lot of poor people don't need gas because they're not working," Hayakawa has become an almost inconsequential factor — if not an outright embarrassment to his party. The Hayakawa debacle may strengthen Cranston's ability to convince California business leaders that he's the only senator who can get things done for them in Washington.

With all these pluses, what basis can there be for pessimism about Cranston's re-election prospects? Are Representative John Rousselot and former Assembly Minority Leader Paul Priolo, who already are scrambling for the GOP nomination, whistling in the dark when they insist Cranston is an inviting target?

Not really. Cranston's considerable political assets are matched by a growing number of liabilities. Republicans are delighted that he's not been able to shed his liberal label, even though his voting record in the Senate, particularly on economic issues, is more in the middle range. In this era of Proposition 13, they are confident they can tag him as a big spender — and make it stick. Unlike Brown, Cranston has refused to climb on the constitutional-convention bandwagon for a balanced federal budget. His conversion to Jarvisism remains suspect.

Republicans also see Cranston as highly vulnerable on several social issues, which the New Right has learned to exploit with great skill and effectiveness. The recent victory of anti-busing forces in a Los Angeles Board of Education recall election was immediately interpreted as a good omen by Rousselot. Cranston also could draw fire from anti-abortion, gun-rights and prayer-in-the-schools groups.

The senator probably could fend off such attacks with relative ease were it not for a more pervasive weakness that goes beyond his stand on particular issues. One of his toughest problems may be that Californians are starting to look at him as an old establishment figure at a time when a frustrated electorate has little patience with incumbents. While still in good physical trim, Cranston appears to have lost some of his old political sharpness. He's never been a great public speaker, but it's being noticed more now. Like other senators, he has become hooked on a huge staff that relieves him of a lot of work but also tends to isolate him from important problems and policy issues. While he returns to California as frequently as possible, his contacts seem fairly limited. He still drops in on editors, broadcasters, labor leaders, industry executives, corporate lawyers and other

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so-called movers and shakers. But that still leaves an entire new generation of Californians out there who have only the vaguest notion — and probably don't care — who Alan Cranston is, what he does or what he stands for.

Democratic colleagues in the House confirm this growing sense of isolation, based on what voters in their own districts tell them about Cranston. Members of the delegation also grumble that Cranston is too aloof from their concerns and too closely guarded by his staff.

Cranston tends to dismiss such criticism. His own analysis is that he's in much better shape for 1980 than would appear from the forecasts of the gloom-and-doom prophets in both parties. He believes he can emerge unscathed from any Carter-Brown-Kennedy fracas at the national level by tending to his own re-election knitting. The new watchword in the Cranston camp is that he's now going to be his own man — not an appendage to Carter or Brown.

A marked target

But even in this independent go-it-alone posture, he's already been marked as a major 1980 target — not just by California Republicans but also by conservative groups and national GOP strategists who are plotting a basic party realignment in the Senate. There will be 24 Democratic seats and only 10 Republican ones up for grabs in the 1980 Senate elections. A GOP net gain of 10 seats would end the Democrats' reign as the majority party. Plenty of campaign money from Old Right and New Right sources will be available for Republican nominees who will run against Democratic incumbents like Frank Church in Idaho, Ernest Hollings in South Carolina, Wendell Ford in Kentucky, George McGovern in South Dakota, Tom Eagleton in Missouri, John Durkin in New Hampshire, Gaylord Nelson in Wisconsin, Dick Stone in Florida, John Culver in Iowa, Birch Bayh in Indiana — and Alan Cranston in California.

Viewed in this context, Cranston's re-election campaign will have more than usual national interest. There should be ample out-of-state money for his GOP opponent. By the same token, the Eastern liberal establishment also will be mobilized and can be expected to pump in thousands of dollars to keep Cranston in the Senate.

Early maneuvering by California Republicans has highlighted a problem that could ultimately tip the election one way or the other — finding the right candidate to take full advantage of Cranston's real or perceived weaknesses.

It's been much easier for Republicans to pronounce Cranston vulnerable than to agree on which kind of challenger has the best chance to unseat him. This time, there are not just the usual divisions between moderates and conservatives or, since this is California, between conservatives and ultra-conservatives. There's also divided opinion about the relative suitability of "new" versus "old" faces and seasoned pros versus untested amateurs.

Last December, before setting his sights on the Senate, Priolo predicted Republicans would have a major problem with the federal campaign finance law, which establishes a $1,000 limit for individual contributors but places no ceiling on how much of his own money a candidate can spend. To overcome Cranston's advantage as an incumbent in raising campaign funds, Priolo said the GOP really would have only two options. "We've either got to find a wealthy guy like Mike Curb who can finance his own campaign, or another Sam Hayakawa," he remarked.

Because he fits neither category, Priolo belittled his own chances at the time. He since has acquired another liability — ouster from his Sacramento leadership post in a putsch by conservatives. Priolo's original estimate of his own prospects may stand. Before looking to greener pastures in Washington, he tried to interest Michael Landon, the television star of "Little House on the Prairie," in running against Cranston. Landon laughed off the suggestion.

Hayakawa similarly has looked for "outsiders" to repeat his own Cinderella-like victory in 1976. He has tried to interest conservative academics like nuclear physicist Edward Teller, State Colleges Chancellor Glenn S. Dumke, UCLA professor Thomas Sowell and USC economist Arthur Laffer. So far, Teller has declined and the others do not appear in any hurry to jump in.

Rousselot's prospects

That leaves Rousselot as the strongest and most credible current GOP prospect. The San Marino congressman is an articulate and forceful campaigner who plans to charm the nomination out of his own party and then go hammer-and-tongs after Cranston in the general election. His credentials with the Old and the New Right are solid. He has an expert professional campaign manager in Stuart Spencer and has begun a major fund-raising effort. He's also making extensive campaign appearances throughout the state.

Behind the scenes, Rousselot has kept in close touch with Ronald Reagan and picked up active support from several key Reagan operatives. He also has obtained tentative assurance from Howard Jarvis, Representative Barry Goldwater Jr. and former President Ford, now a California resident, that they have no plans to seek the Senate nomination. Goldwater and Ford are helping Rousselot raise campaign funds.

Rousselot's strategy is to project himself as a strong contender with wide party support. But he also realizes that he's got to demonstrate quickly that he's not just a good bet for the nomination but also the man to beat Cranston. Otherwise, the ranks of GOP contenders will not remain as thin as they are now. Goldwater is reserving his options — just in case Rousselot falters. There's also been some talk that Reagan, at some critical juncture in the presidential sweepstakes, might want to take Ford entirely out of that picture and reward his former adversary with the GOP nod for Cranston's Senate seat. Rousselot and Spencer went to see Ford at his Palm Springs home a few weeks ago to clear the air. Rousselot came away reassured that Ford is not interested in the Senate — at least for now. In politics, certainty is an elusive commodity.

To improve his statewide image, Rousselot severed all ties with the John Birch Society and went to great lengths to advertise his break with the controversial right-wing group. His general reputation as an ultra-conservative, however, may prove a bigger handicap than his snipped Birch connection. Rousselot's own polling shows he still operates from a narrow base and has a considerable distance to travel before he can establish himself as a strong Republican standard-bearer. While he professes to be encouraged by the fact that he trailed Cranston by 25 points six months ago and since has managed to reduce the gap to 18 points, his own survey shows that he's not by any means the GOP's best hope. Jarvis, it turns out, is only a point or two behind Cranston in Rousselot's poll, Goldwater is 10 points behind the senator and state Attorney General Deukmejian is in the same range with an 11-point lag. Unless Rousselot can close his 18-point gap rather quickly, the list of GOP contenders is likely to grow.

With the primary elections 11 months away, Cranston may find some comfort in the knowledge that, whatever his weaknesses, Republicans still are huffing and puffing to find the right combination to beat him. Yet, it also must be a rather chilling thought that his 1980 return ticket to the Senate could depend as much on the weakness of the other side as on his own strength.

With such odds, 1980 — true to the Russell formula — may yet be a real SOB year for California's most durable politician of the last generation.

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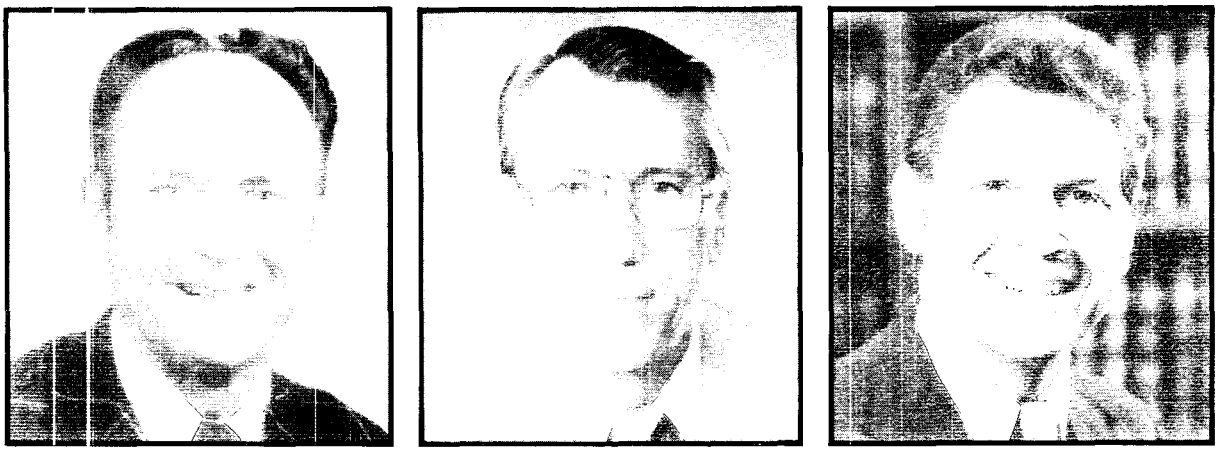

Winners in the Republican special-election sweep: (from left) Congressman Royer, Senators Speraw and Maddy.

Can the GOP prevent a Democratic reapportionment?

By Ed Salzman

The elephant should trumpet triumphantly in California next year — in theory. The backdrop is almost perfect for a smashing Republican victory in 1980. Look at the elements:

- Republicans made significant gains in congressional and legislative races at the 1978 general election.
- The GOP has won all three special elections held since that time.
- The overall trend in the state and across the nation is to the right — or to the Republicans.
- Governor Brown is not especially popular, according to Mervin Field's California Poll, despite his smashing victory last November.
- President Carter looks like a potential albatross around the necks of Democratic candidates, assuming he is nominated for re-election.
- Ronald Reagan, California's most popular Republican leader, should head the GOP ticket next year, giving a boost to all GOP candidates on the ballot.

Does all that mean that Democratic control over the congressional delegation, the Senate and the Assembly are in jeopardy in the census year of 1980? Will the Republicans thus be able to prevent Democrats from drawing districts to their liking for the 1982 balloting?

The trouble for the Republicans is that the theoretical advantage probably cannot be converted to victories at the polls. Despite the general indicators, the Republicans' best bet to avoid a Democratic gerrymander is to get Jerry Brown elected president so that his successor, Lieutenant Governor Mike Curb, will be able to veto legislative reapportionment bills.

The reason the outlook is not good for the Republicans is that overall political factors play only a minor role in the outcome of district elections. California voters are notorious ticket-splitters. There are even those who claim that many Democrats who vote for Republicans at the top of the ticket will cleanse their souls, so to speak, by remaining loyal to Democrats at the local level.

The recent special elections may be interpreted as evidence that the Republicans are going to win seats in the next election that have gone Democratic in the past. But special elections are not good indicators. First, Republicans normally do well in them because the voter turnout is low. Secondly, specials are by definition elections without incumbents. Perhaps most important, there are invariably local issues that override general trends in specials. Take a look at this year's balloting:

- ***Republican Bill Royer,*** a San Mateo County supervisor, won the seat left vacant through the death of Democrat Leo Ryan because of Democratic in-fighting as well as Republican solidarity. The Democratic nominee was Joe Holsinger, former aide to Ryan. The political establishment in the district had supported George Corey for the seat, and the Corey organization refused to back Holsinger in the runoff. Had the Democratic nominee been Corey, or even another Ryan aide, Jackie Speier, the Democrats might well have won the seat.
- ***In Long Beach,*** the Democrats appeared to have a chance of winning the state Senate seat vacated by Republican George Deukmejian upon his election as attorney general. The district has a 60-34 Democratic registration advantage. The Democratic nominee was former Councilwoman Renee Simon, who had run a reasonably tight race against Deukmejian in 1976. The GOP candidate was Ollie Speraw, a realtor in the district, which has been voting Republican despite the registration.
- ***The contest in the central valley*** to elect a state Senate successor to appellate justice George Zenovich was quite unusual. It pitted a Republican, Ken Maddy, who had represented the Fresno part of the district in the Assembly, against a Democrat, John Thurman, who holds the Assembly seat from the northern half of the district. Democrat Thurman is probably a bit more conservative than Maddy on issues as well as in lifestyle. Maddy is a natty lawyer who looks as if he should represent Beverly Hills or Nob Hill. Thurman looks as if he just came out of a cow barn — and he probably did. Maddy won by a nose on June 19th, 39,795 to

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39,012 — and the outcome said nothing about what might happen on a statewide basis in 1980.

An analysis of the 143 congressional and legislative seats to be contested next year shows that the Democrats are in remarkably good shape. In fact, the Republicans may have as many of their current seats in jeopardy as the Democrats. The GOP is in an especially difficult defensive position in the race for control of the state Senate because only half the seats will be contested, and the Republicans now hold 11 of them; only nine are held by Democrats. A house-by-house breakdown:

Congressional delegation

The Democratic majority is down to 25-18, and the Republicans need to gain only four seats to take numerical control of the delegation. The chance of that happening is almost nil. It is too early to assess the races with any precision because the opposition for each incumbent will not be determined until next June. Nevertheless, it appears that the Democrats have as many chances to knock off incumbents as do the Republicans.

The GOP is expected to run especially hard against two veteran Democrats, Biz Johnson of Roseville and Jim Corman from the San Fernando Valley. Johnson showed signs of weakness in 1978, and he has drawn an experienced opponent in Assemblyman Gene Chappie. Corman may face his toughest test in years from anti-busing leader Bobbi Fiedler. Busing is the overriding issue in the San Fernando Valley, and Corman has an image as a liberal. He has survived occasional heavy-hitting campaigns in the past, but it remains to be seen whether he can stay alive in the undergrowth of the valley's new political jungle.

The Republicans may spend some big money trying to unseat other incumbents, but most of that cash will probably be poured down the drain. Among those who might be targeted: John Burton of San Francisco, Vic Fazio of Sacramento, Norman Mineta of San Jose, Ron Dellums of Berkeley, Jim Lloyd of Claremont and Leon Panetta of Monterey.

The GOP should be on the defensive in four districts: those represented by Don Clausen of Crescent City, Chip Pashayan of Fresno, Robert Dornan of Los Angeles and Royer of San Mateo County. Clausen and Dornan displayed weakness in 1978, and they probably will be targeted in 1980. Royer and Pashayan are freshmen from areas previously represented by Democrats. If the Democrats come up with strong nominees, they could be in trouble.

There are three more GOP freshmen who could face difficult re-election campaigns if the Democrats come up with charismatic candidates and cartloads of cash. They are Wayne Grisham of Whittier, Dan Lungren of Long Beach and Norman Shumway of Stockton. The registration statistics in all three districts make it possible for either party to win.

All in all, it appears that opportunities are about even for the parties. And that works to the advantage of the Democrats, who start with a 17-11 lead in seats that are considered safe.

Senate

Only odd-numbered Senate seats will be contested next year, and that gives the Democrats an overwhelming advantage when looking ahead to the next reapportionment. Of the 20 holdover even seats, the Democrats hold a 15-5 majority. And none of the nine Democratic seats on the ballot next year will be easy pickings for the GOP.

In addition, there are four seats now held by Republicans that will provide Democrats with excellent opportunities. Three Republicans are expected to retire: Lou Cusanovich of the San Fernando Valley, John Nejedly of Walnut Creek and Bob Nimmo of San Luis Obispo. Democratic Assemblyman Dan Boatwright is the favorite to succeed Nejedly, and Nimmo could well be replaced by another Democratic assemblyman, Henry Mello. The Cusanovich district should remain Republican, but the senator was almost knocked off in 1976. The fourth seat is held by liberal Milton Marks of San Francisco, who has survived in a highly Democratic area. The GOP must also defend a special-election freshman in Speraw, and John Briggs of Orange County showed signs of weakness in his last campaign.

Where can the Republicans pick up seats? Their best opportunities would be in districts without incumbents, and there probably won't be many of those. In theory, the GOP could win the districts represented by John Garamendi of Walnut Grove, Paul Carpenter of Orange County, Rose Ann Vuich of Dinuba and Bob Wilson of San Diego. But these senators are personally popular and have outstanding campaigning skills.

Assembly

The Republicans made surprising gains in the Assembly last year, knocking off three Democrats who did not appear particularly vulnerable: Vincent Thomas, Fred Chel and Jim Keysor. It will take much more of the same to pick up the necessary 10 seats to force a 40-40 deadlock in the Lower House. The chance of success is slim, but it is not impossible.

Of the 50 Democratic seats in the Assembly, some 30-odd can be rated safe. This means that the GOP would have to capture about two-thirds of the seats that are even slight problems for the Democrats in order to reach the magic number of 40. And that also means that all 30 current Republican seats would have to be held — a difficult task.

To a significant degree, the GOP chances depend on how many Democratic incumbents do not seek re-election. The Republicans could win the Contra Costa County seat of Democrat Dan Boatwright, who will be running for the Nejedly Senate seat. Should Henry Mello run for the Senate, his seat could easily go Republican. Then there are some Democrats who have shown weakness in recent elections or who come from areas with low Democratic loyalty. These include Dennis Mangers and Chet Wray of Orange County, Carmen Perino of Stockton and Mike Gage of Napa. Perino has been the victim of a rash of adverse publicity stemming from tactics in the last campaign, but he says he will run again in 1980.

The GOP could win all those seats and still fall short of the gains necessary to prevent continued Democratic control of the house. The sledding will be more difficult, but the right combination of strong candidates, money and issues could cause trouble for any of the following Democrats: Tom Bates of Berkeley, whose 1978 victory was underwhelming; Victor Calvo of Santa Clara County, who saw his margin cut significantly last year; Gary Hart of Santa Barbara, who has run far ahead of party registration; Doug Bosco of Occidental, a freshman; Jim Costa and Richard Lehman of the Fresno area, where the GOP might make a major effort; Walter Ingalls of Riverside, Larry Kapiloff of San Diego, Bruce Young of Los Angeles, and Bill McVittie of San Bernardino, who represent territory which the GOP has sometimes found fertile in the past.

The Republicans will find themselves on the defensive in quite a few districts, including those in which Democrats were upset in 1978. A Democrat could succeed veteran Republican Gene Chappie of Roseville, a candidate for Congress. Veterans Paul Bannai and Richard Hayden will have to spend a great deal of money to win again.

The overall outlook is for some GOP gains in the Assembly but not enough to prevent Democrats from drawing the lines for the district elections of the next decade.

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The Coons-Sugarman initiative campaign to revolutionize the California schools through

VOUCHERS

By Annie Nakao

"Many assert that choice can never come, that the political impediments are structural and beyond redemption. This may be, but our present observation is that the old structure of educational finance and governance is quaking. It is impossible to predict its outcome, but there are signs that those who prefer choice, including minorities, will have a voice in the final solution."

Those words were written by two University of California law professors — Jack Coons and Stephen Sugarman — in defense of their much-talked-about plan to revolutionize public education in California.

The controversial plan is an educational voucher proposal, now being groomed for the statewide 1980 ballot as a constitutional amendment. It would create a state-funded system of competing private schools and colleges. In them, parents of school-aged youngsters could use educational certificates, valued at a set amount — in a manner not unlike redeeming gift certificates at department stores.

Authors Coons and Sugarman, both faculty members at Berkeley's Boalt School of Law, say the proposal would force the public schools to compete with private schools in a free market, where parents would have the means to "shop" for the education appropriate for their youngsters. Currently, parents who can't afford private school education for their children are forced to enroll them in a tax-supported public school because of state compulsory attendance laws.

'Family choice' schools

Under the Coons-Sugarman plan, there would still be regular public schools governed by traditional, geographically based school districts and boards. But local boards could create "independent" public schools that would accept vouchers. Such schools could also be created through parental petition, if local boards didn't voluntarily establish them.

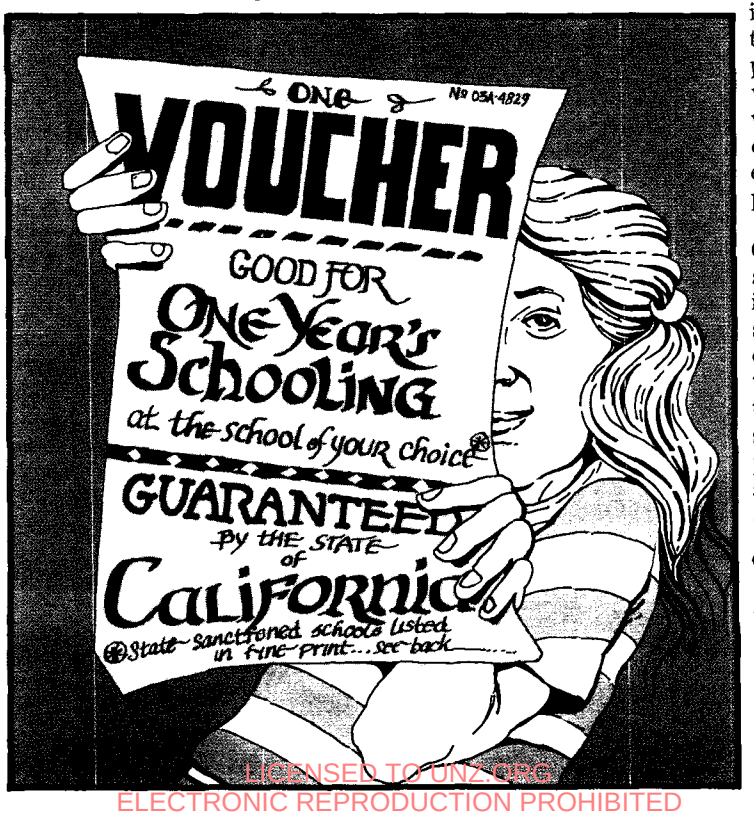
Private schools would participate in the voucher plan only if they chose to do so. They would be called "family choice" schools. The system wouldn't affect public or private schools not participating in the plan.

Called an "Initiative for Family Choice," the proposal has 20 main sections including provisions for family and student rights, financing of the plan, redemption of certificates, creation and organization of voucher schools, lottery systems for oversubscribed schools, services such as transportation and counseling, and the monitoring of voucher schools.

Despite its numerous provisions, the authors contend the concept is "fundamentally simple." Forcing public schools to compete with voucher schools would improve the quality and variety of public school programs and thereby keep the middle class in the system, they say. In addition, Coons and Sugarman believe that the plan would aid racial and economic integration by opening up private education to low-income families.

Supporters, like Fernando Gonzalez, director of the 300-member Pacific Region Association of Alternative Schools, says he likes the concept because it puts "the decision in the family — something that has never existed before." But Gonzalez says the association will reserve official comment on the plan until later.

The complexities of the proposal have blurred the traditional pro and con positions normally evident on a ballot issue. Some supporters of the concept aren't sure the proposal will actually work; many critics of vouchers concede that the current system of public education has serious problems.



The vast majority of California's 2,903 private schools are not commenting until the final draft is submitted by the authors early next year. But certain to support the plan are thousands of private school families who now pay tuition costs as well as taxes for the public schools.

Organizing to oppose

Critics have gotten a headstart on voucher advocates. Led mostly by members of the educational establishment —

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teacher groups, administrator organizations and school boards and districts — they are organizing early. State officials such as schools chief Wilson Riles and Michael Kirst, president of the State Board of Education, have expressed strong opposition.

"Vouchers are still anathema to the educational establishment, who see it as an assault on the status quo," says Denis P. Doyle, a research fellow at the Washington-based Brookings Institute.

But reaction of California public school officials to the voucher idea goes far beyond protecting the status quo. They see vouchers as part of the Proposition 13 mentality that already cut funding for the schools. Many of them, including state Superintendent Riles, believe that the voucher plan would kill public education in California.

Top educational leaders are keenly aware that the passage of Proposition 13 may mean that the public is willing to take a chance on still another radical governmental reform. These leaders lined up strongly against Jarvis-Gann last year, and their predictions of post-13 disaster have not proved true. Will the public believe them next year when they predict educational chaos from Coons-Sugarman?

A recent California Poll by Mervin Field of 867 persons showed that 59 percent agreed that families should be able to use their share of school taxes to send their children to a public or private school.

Coons and Sugarman are working hard to explain their plan. They have attended countless debates, workshops and afternoon teas to spread the word. They have also written two books and 15 articles on the subject.

But some observers say that the pro-voucher forces are neglecting political and fiscal realities as they continue to rework their initiative. While the "learning lobby" is gearing up to spend thousands of dollars fighting the voucher plan, its backers still are weak in organization and finances.

The pro-voucher organization, Education by Choice, is led by a San Francisco black dentist named Henry Lucas. The group's leaders are generally Bay Area liberals, including San Francisco Supervisor Carol Ruth Silver and Berkeley scholar Leonard Ross.

Coons, the father of two children who attended the Berkeley public schools, is no stranger to educational reform. He was one of the leading lawyers in the *Serrano v. Priest* court battle that revolutionized school financing in California. Coons insists that he's trying to help, not hurt the public schools. He says he is motivated by the defection of the middle class from the public schools. (Since 1973, the public schools have lost some 300,000 students. At the same time, private school enrollments have risen from 364,666 to 470,798. While both sectors have been affected by declining birth rates, it's clear that at least some of the private school increase is due to public school losses.)

Adam Smith's idea

The idea of consumer-based education isn't novel. Nearly 200 years ago, economist Adam Smith introduced the concept, which was picked up by comtemporary economist Milton Friedman and later by Harvard scholar Christopher Jencks.

Historically, however, vouchers have primarily been the plaything of intellectuals — "an idea in search of a constituency," says Doyle. No state has yet instituted a full-fledged voucher plan, although the federal government did conduct several experiments in the late 1960s and early 1970s.

The most expensive and sustained effort among such experiments was begun in 1971 in the tiny Alum Rock Union Elementary School in San Jose. Although nearly $8 million was pumped into the district over a five-year period, only a limited number of public schools participated. The experiment produced few conclusive findings on how a free market voucher system would work. Recently voters in Michigan rejected a voucher plan on the state ballot.

"The closest thing to a voucher scheme in this country was the GI bill — and that's being phased out," Doyle says. A voucher plan wouldn't be impossible to operate, he believes: "If the public wants to do it, it's certainly administratively feasible," he says.

Coons contends middle class families would stay in the public school if they were given attractive alternatives within a responsible system, instead of the monopolistic bureaucracy that now serves a "captive audience." He admits

ROSTRUM

One-third too high

Your May issue provided a bit of interesting but inaccurate reading: Chuck Thomas' distorted account of the Coastal Commission's work. While basically wrong in many of its points and viewpoints, it was well-written and somewhat entertaining.

The most serious inaccuracy fell at the close of Mr. Thomas' story, where he quotes me as "envisioning" an agency two-thirds our current size, even after all local coastal plans have been prepared. No; he got his numbers inverted. After 1981 or 1982, I expect that the commission's staff and budget should be somewhere around *one-third* of present levels. Beyond a continuing active role in offshore oil development, most of our work wil revolve around the secondary tasks of monitoring local protection of the coast, approving amendments to local plans and hearing appeals to local decisions — clearly a diminished role from the current situation.

Depending on one's philosophical bent, the commission is indeed "fair game" for criticism on many fronts. But our record of budgetary frugality and fiscal management is not such an area. The legislative analyst, the Department of Finance, the staffs of both Senate and Assembly fiscal committees, the Assembly Office of Research and the Joint Legislative Audit Team have all found our performance in the area of financial restraint and fiscal responsibility to be impeccable. Here, Mr. Thomas' innuendo is absolutely misplaced.

There are many more things that one could say in response to Thomas' largely fictional account of what's going on at the Coastal Commission. His statements regarding the preparation of local coastal plans, and the percentage of appeals from environmental organizations are untrue and reflect a strong bias unworthy of the *Journal*. Recent action in the Legislature supports the commission's contention that responsible individuals recognize the self-interest behind most attempts to erode the Coastal Act.

MICHAEL FISCHER
Executive Director
California Coastal
Commission

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Outline of the Coons plan

Here are the basic provisions of the Coons-Sugarman voucher proposal:

• ***Parents would be allowed a basic educational certificate per child*** — redeemable at a participating voucher school, public or private. The dollar amount of the certificate would be set up by the Legislature and might take into account differences in pupil age, curriculum, special student needs or handicaps and varying local costs. Transportation would be guaranteed. The plan also suggests bonuses for racial integration.

• ***If the cost of tuition surpasses the certificate*** amount, parents could purchase "supplemental" certificates on a sliding scale that reflects a family's income. That is, parents with a higher income would pay more than a poorer family for the same supplemental voucher.

• ***Participating schools may set enrollment limits.*** Oversubscribed schools can exceed such a limit by 5 percent, with students chosen by lottery. At the time a school is certified to participate in the system, priority may be given to brothers or sisters of currently enrolled or former students or youngsters of full-time school employees.

• ***The proposal would be phased in over a five-year period,*** so that all California youngsters would be eligible to participate by the school year 1985-86. A provision allows legislators to repeal or change the statute in 1995, 10 years after it becomes fully effective.

• ***The average cost per certificate*** would be set at about 90 percent of the public school cost per pupil. (That figure is now about $1,615 per child.) The plan also puts a cap on spending for voucher schools so that in any year between 1980 and 1987, yearly costs don't exceed the total public school costs for the school year 1979-80.

• ***Catholic and other parochial schools*** would be allowed to participate, but religion could not be taught in any voucher public school.

few exclusive, high-cost private schools would be interested in participating in a voucher plan. But he is hoping that the plan would force the public schools to offer up alternatives within the system.

"It's true that some people may move out of the traditional public schools and go to private schools or to independent (voucher) public schools. But if that improves the public sector — I don't know why anyone would say that's anti-public," Coons says.

'Limousine liberal'

Ralph Flynn, executive director of the 160,000-member California Teachers Association, labels Coons as the "classic limousine liberal." "He's a decent man — but he's like those who looked to the public schools to solve all social ills. Well, lo and behold, they couldn't do it, and now he's going to throw out the baby with the bath water."

Flynn insists he isn't against making the system more responsive: "My concern is that this particular alternative is talking about a cure that says the body is already dead." The proposal would spark a proliferation of new private schools seeking to participate in the voucher plan, Flynn says.

And critics raise numerous other concerns. Among them:

• ***Segregation of the poor.*** Opponents of vouchers fear that the proposal would actually promote segretation of the poor and minorities in the regular public schools. Meanwhile, better educated and "motivated" middle class students would flock to the voucher schools because their parents are most likely to seek out the options, they argue.

• ***High cost.*** No one knows the true cost of maintaining both a voucher system and the regular public schools. Last year, the public school system alone cost more than $8 billion. The latest Coons draft proposes that property taxes not be used for any school support. This would mean that the state would assume all school costs.

Under the proposal's phase-in plan, eligibility of youngsters to participate in the voucher plan would increase by one-quarter every year. Meanwhile, it is hoped that individual public schools which are operating inefficiently, might be abandoned for the more popular voucher schools. Coons predicts that voucher schools would be cheaper to operate than public schools because they wouldn't be saddled with all the state laws now burdening public schools. But he offers no exact cost estimates.

• ***More bureaucracy.*** Still another fear is the creation of an entirely new bureaucracy. It is the fear of entanglement in state and federal regulation that makes many private schools wary of the plan. They worry especially about the possible loss of control over admissions and curriculum.

"I have yet to encounter a private school principal who'll tell me that he or she is really excited about this thing," says Donald Erickson, director of the Center for Research on Private Education at the University of San Francisco. Erickson is currently conducting a study of how government funds affect private schools in British Columbia. He says the initial results validate his suspicions that "public money may just be bad stuff for private schools because it causes people to adopt an entirely different attitude."

• ***Constitutionality.*** As the plan now stands, parochial schools would be eligible to participate. If such state aid to church-related schools is successfully challenged in the courts, such schools would be dropped, shutting out two-thirds of the state's private schools from the plan.

• ***Implementation.*** Finally, even if voters were to approve the measure, it's uncertain what type of enabling legislation would have to be enacted. "There are at least nine specific laws the Legislature must enact to implement it," said James Catterall, director of the Center for the Study of Education Policy at Stanford University.

A cold shoulder

So far, Coons and Sugarman have proceeded undaunted — even after a cold shoulder from the blue-ribbon Post Commission on Government Reform. After listening to a Coons presentation, the commission voted 9-4 to avoid any reference to vouchers; it even refused to suggest a study of the controversial proposal.

To qualify the measure for the ballot, they must collect at least 550,000 signatures by January 23rd.

Paul Carpenter, chairman of the Senate Education Committee, says he feels that "for better or worse, the people generally prefer to take the devil they know, rather than the devil they don't know."

Doyle, of the Brookings Institute, believes too much has been made of the voucher's effects. He calls it a "benign system" that would bring neither great benefits nor liabilities. Its importance, he says, is in the debate he hopes will ensue on the state of public education itself.

"It's very important for Californians to really think very carefully about how they want to organize their schools, Doyle says. "I think debate on the vouchers is a very healthy way to start."

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THE PUBLIC DEMANDS PUNISHMENT

Why the prisons are so overcrowded

By KERRY DRAGER

The cell is six feet wide and nine feet long. It contains two bunks, a sink, a toilet and a storage unit. It also contains two convicted felons who must share the cell designed for one man because California prisons are bursting at the seams.

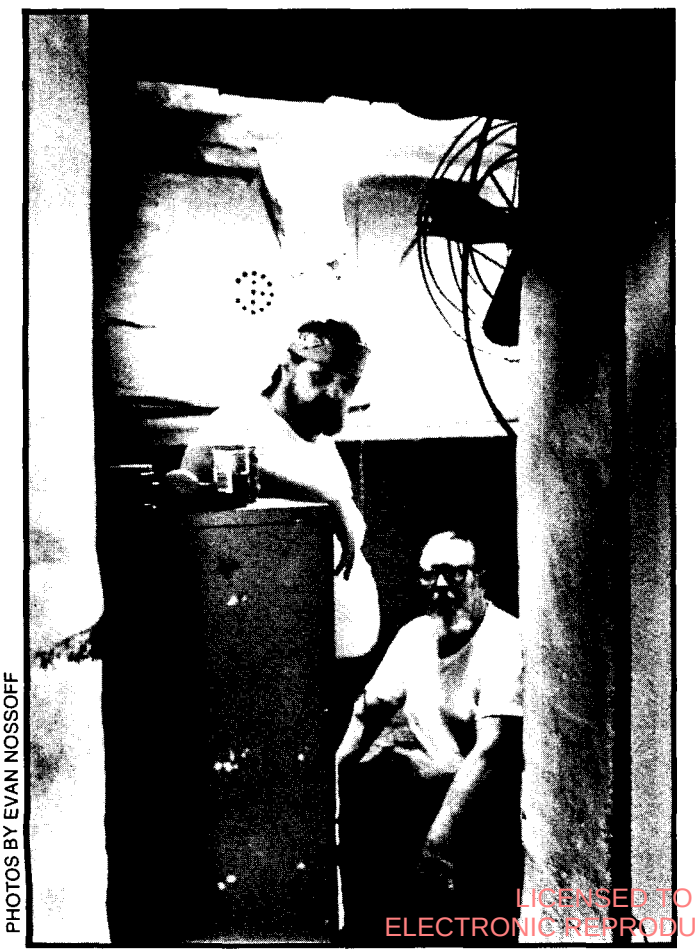
There are more than 1,300 inmates double-celled today. By the end of the year, all remaining vacant beds are expected to be filled and 2,000 inmates will be double-celled.

"The situation is definitely getting worse," says Folsom Prison Associate Warden Huel Morphis. "The last few years we've been at single-cell capacity, but now we've exceeded that. I suspect we'll continue to go on up.

"If two guys cell together and they happen to generate some differences in the small confines of that cell, it causes not only internal squabbles and fights but it leads to other problems. These cells were simply not designed in size and equipment to accommodate more than one person."

By 1986, the earliest date that new prisons could be opened, current facilities will be nearly 9,000 beds short. At the California Youth Authority, similar problems are emerging. There has been a marked reversal in the trend of declining institutional populations. The CYA's population has jumped 17 percent in the past year. There are about 5,000 wards now, the highest number in nearly eight years.

Kerry Drager is a free-lance writer in Sacramento.



PHOTOS BY EVAN NOSSOFF

More and more offenders are being sent to prison under tougher laws and longer sentences. Amid complaints of coddling criminals, California judges — very much in the public eye — are sending offenders to prison in record numbers. Last year brought the largest number of new felon prison commitments in state history. One out of three convicted felons is being sentenced to prison now, compared to a one-in-10 ratio during the Reagan Administration. There also has been a significant rise in the percentage of minority inmates, who now comprise more than half the population of state penal institutions. Only a decade ago, more than half of all inmates were white; now, whites are slightly more than 40 percent of the prison population. (CYA statistics are similar: more than 50 percent white in 1968; about one-third white today.)

Compounding problems

Department of Corrections Director Jerry Enomoto warns that as overcrowding increases, other serious problems follow. "It is very likely that violence and racial problems will become heavier and will be harder for us to cope with," he says. "I don't believe there's necessarily some formula that if we get overcrowded we'll have more violence. But our experience tells us that when you have serious overcrowding you have a lot of things that come along with it."

Adds Walter Craven, deputy director of institutions: "There's no doubt that overcrowding complicates everything we do. It taxes the programs we have, creates competition for these programs, affects people psychologically and therefore has a general adverse effect on the total operation."

Breaking up of racially oriented gangs, isolating their leaders and distributing them throughout the system has helped to curb gang-related violence in prisons. Keeping the more violent offenders in maximum-security institutions also has helped to keep the lid on potential violence. Such classification of inmates complicates use of space, though, because it leaves beds empty in some institutions while inmates are double-celled in others.

"No matter how we look at people," Enomoto says, "by the end of this year or early next year, we are going to have every bed that we have available filled up. So the question of who we have and how we handle them will be moot."

There are signs already that prison violence is on the upswing. Violent incidents — assaults, fights and possession of weapons — have nearly quadrupled since 1970. One reason: Inmates committed for violent crimes formed about half the prison population in 1970. Today, they comprise nearly two-thirds. Since there is a shortage of beds in maximum-security institutions, the choice is more double-celling or committing some violent offenders to less-secure facilities.

The situation at the Youth Authority is hardly better. The CYA also is concerned about gang activities and the increasing proportion of offenders committed for violent crimes. They now constitute about half of the total population — three times the percentage of a decade ago. Last year the Youth Authority was jolted by the murders of two Youth Training School wards at Chino. Since then, many hardcore offenders 18 to 20 years old have been transferred to the Department of Corrections — an acknowledgment that some toughened youths cannot be helped or controlled by the CYA.

Pearl West, who became the first woman to head a state correctional agency when she succeeded Allen Breed as CYA

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director in 1976, predicts that overcrowding will cause more violence. "Less space per person means there are going to be overt reactions to having personal space invaded," she says. "And that does happen from time to time. But, happily, in the Youth Authority, it never has been the heavy trip that it is in the prisons. And I don't think it will ever be like that."

The increase in minority inmate populations has made the prison atmosphere ever more volatile. While most inmates now are members of minorities, the correctional workforce remains predominantly white, adding to racial tensions.

There appear to be only two solutions available to the state: Build more prisons or imprison fewer felons. The first one is expensive, but the second is currently unacceptable to the general public.

"The way to lessen the tide of overcrowding," Enomoto says, "is if the social policy of California changes. There is less and less patience with crime. There is more and more concern about stemming the tide of crime, more insistence that more people be locked up and that they do more time. As long as that is the prevailing policy, then I don't think it's possible to stop overcrowding."

Tim Fitzharris, executive director of the California Probation, Parole and Correctional Association, warns of future riots and prison strikes if prison problems aren't addressed. "If overcrowding doesn't get some attention paid to it, we're going to have some federal court orders in this state, as they have had down south and elsewhere," he says. "The effect of all these laws they're passing — like the mandatory prison bills — is creating some very serious problems of confinement."

Changing the rules

Federal intervention is indeed a possibility. Federal courts have ordered other states to eliminate prison overcrowding. In fact, one-third of the states have been faced with lawsuits alleging overcrowded prisons. Federal courts have ruled in several instances that conditions in overcrowded facilities constitute cruel and unusual punishment. Courts in some states have ordered a halt to double-celling, cessation of intake until population is reduced to tolerable levels and monthly reductions in the institutional population.

Overcrowding in California prisons did not occur overnight. In the early '60s, California's prison system was viewed as a progressive model for others. The cornerstone of it was the "indeterminate sentence," under which offenders were sent to prison "for the time prescribed by law." Minimum and maximum prison terms were set by the Legislature for each offense; the judge had no control over the actual amount of time served. The Adult Authority, the state's parole board, had total discretion to release a prisoner, beginning at one-third of the minimum statutory term, or to retain a prisoner for the statutory maximum. The minimums ran from six months to five years; the maximum term for many offenses was life imprisonment. It was up to the Adult Authority to decide when a prisoner had shown he or she was "rehabilitated" and ready for society.

But by the early '70s, the indeterminate sentence was no longer considered progressive. It was under attack from all sides. There was no way anyone could tell whether an inmate had been rehabilitated, the critics said. The issue should be simply how long criminals were going to lose their freedom. Many critics contended that the indeterminate sentence resulted in some prisoners serving unreasonably long terms; other offenders were released far too early and committed more crimes shortly after their release. As a result, the Legislature agreed the old system had to go.

What took its place was SB 42, the Uniform Determinate Sentencing Act of 1976. Rehabilitation went out with the old

law. "The Legislature finds and declares that the purpose of imprisonment for crime is punishment," the new act began. "This purpose is best served by terms proportionate to the seriousness of the offense with provision for uniformity in the sentences of offenders committing the same offense under similar circumstances."

For most convicted felons, the law required a choice by the judge of four possible sentences: probation or one of three fixed prison terms — light, medium or heavy. The medium term was to be imposed in the absence of mitigating or aggravating circumstances. The amount of time served could be decreased by one-third for good behavior.

The 'great prison break'

But SB 42 came under fire even before it took effect. Led by Los Angeles County Sheriff Ed Davis, who predicted the "great California prison break," critics warned that prison terms would be shortened. They felt the Community Release Board, which replaced the Adult Authority, would have no alternative but to open the gates to offenders who had served the time prescribed by the new law. Davis predicted that on July 1st, 1977, when SB 42 was to take effect, the state would begin releasing thousands of hardened criminals to prey on California citizens.

As a result of such concerns, AB 476, an urgency bill, was signed into law on June 29th, 1977. It extended from three to 12 months the time that the Community Release Board had to review cases of prisoners sentenced under the old law. It also lengthened the term for violent crimes and for repeat offenders.

Community Release Board Chairman Howard Way who, as a state senator, co-authored SB 42, says now: "People feared that sentences were going to be shorter and the new Community Release Board was going to turn loose a lot more people, but it just hasn't worked that way. We screened all those cases, and for those with violent crimes we enhanced their terms. Roughly, we enhanced about

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Prison population profile

By the end of 1978, there were 21,325 inmates in California's adult penal institutions. That figure is expected to hit at least 23,000 by 1980 and top 30,000 by 1986.

In the California Youth Authority (CYA) during 1978, after a trend of declining populations over the past decade, the growth rate was 15.9 percent. CYA's population totaled 4,741 by December 31st. By mid-1979 it stood at about 5,000, a jump of 17 percent over a year ago.

Last year also brought the highest number of new felon prison commitments — 9,325 — in California history. Releases totaled 7,151, for a net felon increase of 2,174, according to Department of Corrections (CDC) statistics. Other comparisons:

AGE (Mean)

CDC: 1968 — 32 years. 1978 — 28.7 years. CYA: 1968 — 18 years. 1979 — 18.5 years.

SEX

CDC (1978): Males — 20,178; 94.6 percent. Females — 1,147; 5.4 percent.
CYA (1979): Males — 4,746; 95.9 percent. Females — 204; 4.1 percent.

ETHNIC BREAKDOWN

CDC: 1968 — whites, 54.4 percent; blacks, 28.0; Chicanos, 16.2; others, 1.4. 1978 — whites, 41.2 percent; blacks, 34.6; Chicanos, 22.2; others, 2.0.
CYA: 1968 — whites, 56.9 percent; blacks, 25.8; Chicanos, 15.7; others, 1.6. 1979 — whites, 35.0 percent; blacks, 34.0; Chicanos, 28.3; others, 2.7.

OFFENSES

CDC: 1968 — violence against person, 49.7 percent; property, 30.0; narcotics, 15.1. 1978 — violence, 63.1; property, 21.5; narcotics, 11.3.
CYA: 1966 — violence, 15.4 percent; property, 39.1; narcotics, 7.6, others, 37.9. 1979 — violence, 49.5 percent; property, 40.1; narcotics, 1.8, others, 8.6.

LIFE SENTENCE

1968 — 5.4 percent. 1978 — 10.7 percent.

INCIDENTS INSIDE CDC

1970 — Total, 366. Violent (including possession of weapons), 234. Rate per 100 inmate population, 1.36.
1978 — Total, 2,060. Violent, 891. Rate, 10.07.

2,400 terms, on an average of about two years. Those who feared there would be a great exodus of dangerous people — their fears were unfounded."

An abnormal setting

The determinate sentence moved the system from a focus on the individual to a focus on the offense — from rehabilitation to punishment. But state correctional officials see little change in their adult prison operations. "I've always viewed prisons as punishing places," says Jerry Enomoto. "You lock people away in an abnormal setting like a prison, then indeed you're punishing them. The primary mandate of the system remains one of confining people to keep them away from society. That was the purpose before the determinate sentence law and it is the purpose now. It has never changed."

The Determinate Sentencing Act also provided for a maximum of one year on parole for all offenders except those serving life sentences. For them, a maximum of three years was set. (Previously, parole terms could be unlimited.) Another law (SB 1057) passed last year lengthened paroles for some ex-convicts to a maximum of three years. For serious offenders, the minimum is three years and five the maximum.

"Whenever the Legislature makes those kinds of changes, a lot of subtle and not-so-subtle things occur," says Fitzharris. "For example, we got the parole changes because one year was clearly not adequate for everybody. Some people don't need parole; for others, one year is certainly adequate. But there's some who need a lot longer than that. We think the change will help us protect the public."

For probation, Proposition 13 has had more impact than the changing laws. It is now profitable for counties to ship criminals to state institutions so the cost of local incarceration and probation can be avoided. The state used to reward counties for keeping offenders, under the now-defunct probation-subsidy system. Probation officers have been given larger caseloads. Paul Gann's "Spirit of 13" initiative, if approved next year, would place limits on government spending and provide still another incentive for judges to send felons to prison instead of county jails.

The average budget cuts in probation were about 11 percent, according to Fitzharris. "Several counties were hit worse than that. Most of the counties lost the non-mandated programs — like training, research and evaluation, diversion and victims programs, halfway houses and things like that. And caseloads went up slightly.

"But Proposition 13 didn't really affect parole caseloads that way. The parole boards have gone through reorganization. They've what they call 'front-loaded' the system, concentrating their resources on the first months of parole, rather than extending it over the three or four years. That's changed the configuration of caseloads somewhat."

The new approach calls for a statewide standardization of parole services, with intensive service and supervision provided during each parolee's first 90 days back in the community, when the impact of leaving the institution is most critical.

Steve White, legislative affairs director of the California District Attorneys' Association, says those on probation cannot be watched as closely now because of cuts resulting from Proposition 13. And in the Youth Authority, Proposition 13 resulted in closing down some county facilities, so more commitments are sent to CYA.

The certain sentence

The Youth Authority also has been affected by the determinate sentencing law. The length of adult terms is relevant to young offenders because their incarceration is limited to that which an adult would serve for the same offense. "The (Youth Authority parole) board is becoming very cognizant of the fact that the Governor and the people don't like reading headlines that say a kid came in for second-degree murder and is paroled after one or two years," says Randy Stokes, CYA staff counsel. "So that's starting to keep people in longer."

Public opinion has affected adult courts as well. Steve White of the DAs' association says, "There's no question that the public has expressed itself again and again in the area of sentencing. They want more people to be sentenced to prison and want them to go longer."

And because of the determinate sentencing law, judges are less hesitant to send offenders to prison, White adds. "Under the current system, a judge knows exactly how long a person is going to be in prison, because the judge gives the number of years. In the past, even though it was likely that prisoners would be out soon, they (judges) never knew for sure. Now that the judges know the Adult Authority can't keep them beyond a certain period, they're more inclined to put (offenders) in prison."

The *Sentencing Practices Quarterly*, prepared by the

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state Judicial Council, indicates that those sentenced under the new law may spend slightly less time behind bars than those locked up under the old law. But, the report says, more people are going to prison now than before. Overall, the percentage of those convicted of serious crimes who have been sentenced to prison in the last two years has gone from 18 percent to 33 percent.

The Judicial Council and the Community Release Board say the change in the law is largely responsible for those sentencing statistics, but they warn that the comparison in the report of time served is misleading. The main reason is the large increase in the number of people going to prison, according to David Halperin of the Judicial Council. "Total prison commitments must now include many people who would not have gone to prison two or three years ago." Their shorter sentences tend to lower the statistical averages used by the Judicial Council.

Brian Taugher, chief counsel of the Community Release Board, says certain categories of very serious offenders are serving longer terms than they would have under the old parole board. "Your first-time moderate offenders are probably serving about the same amount of time, perhaps slightly less, of a month or so. And your less serious offenders are serving about the same," Taugher adds.

No easy answers

There are answers for coping with prison overcrowding. The most obvious — building more prisons — means spending big money, an unpopular choice in the Proposition 13 world. Governor Brown has proposed new prison construction, but the Legislature has been reluctant to appropriate funds. An urgency bill is pending that would permit planning for construction of new prisons to house 4,000 male inmates and 400 women. The bill (SB 196) would appropriate $9 million to the Department of Corrections for site acquisition and design development. But even if it and a future bill for actual construction sailed through the Legislature, it would be the mid-1980s before the prison system would get relief. Meanwhile, alternatives will have to be considered: conservation camps or tent cities for minimum-security inmates, state lease of surplus county jail space, reduction in prison terms, the re-establishment of the probation-subsidy program, or temporary facilities near existing prisons.

The Department of Corrections also is looking at vacant government facilities, such as old hospitals or old army camps, and studying expansion of forestry camps. "Under the new law," Enomoto says, "we get some inmates who can better handle that kind of lesser custody."

For the Youth Authority, a new camp will open soon in Southern California, and there are proposals for others. Diversion programs are showing some success in keeping young offenders out of more serious trouble; community volunteers are getting new emphasis as counselors and tutors in CYA facilities.

The baby-boom factor

Not everyone agrees that more prisons are the answer. One group, the Friends Committee on Legislation, believes California doesn't need new institutions and says there are too many already. The committee recommends reducing the number of prisons by committing violent offenders only. It advocates alternatives such as decriminalizing certain "victimless" crimes, community courts and arbitration boards, well-staffed and supervised probation programs, restitution to victims and community-service sentences.

Some observers believe the problem of overcrowding of prisons and youth institutions may eventually take care of itself, largely because of a declining birth rate.

CYA chief Pearl West says overcrowding may be a problem only for the next few years. Fitzharris of the Probation, Parole and Correctional Association predicts a future drop of adult offenders, also because of the birth decline since the post-war baby boom. "We might expect, if not this year, then in the next five or 10 years, the crime rate will go down because of a reduction in the number of people in the crime-prone age group (teens through early 20s)," Fitzharris says.

In the meantime, though, serious consideration must be given either to alternatives to prisons or the building of more prisons, or both. "If not, we're going to have some people hurt, including staff as well as inmates," Fitzharris says. "I hope we realize that and do something before it turns into violence."

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Pacific Legal Foundation, nemesis of the environmentalists

By Tony Quinn

As the sleek Concorde touched down at Washington's Dulles Airport on its maiden flight from Paris, the only sounds louder than the plane were the wails of environmentalists who had been defeated in their years-long battle to keep the Concorde out of the United States. But in the quiet of a modest office 3,000 miles away in Sacramento, the conservative public-interest law firm Pacific Legal Foundation was chalking up another victory.

The *bete noire* of environmentalists and other activist legal groups, the Pacific Legal Foundation is something of an anomaly, at least from the viewpoint of most other public-interest law firms. From the birth of the public-interest legal movement in the late 1960s, liberal and activist law firms were in the vanguard in achieving change through effective use of the legal system. Public-interest consumer and environmentalist firms scored victory after victory for their clientele, occupying the public-interest law field virtually unchallenged.

Until, that is, the arrival of the Pacific Legal Foundation (PLF) in 1973. PLF, in the words of its president, Ronald A. Zumbrun, 43, is a public-interest firm dedicated to "the free enterprise system, limited government, and fighting government over-regulation."

PLF often fights its battles using exactly the same tools liberal public interest firms have wielded so effectively for years. The Endangered Species Act, for instance, has been an effective weapon for environmentalists to stop projects they consider damaging to animal life, such as the Tellico Dam in Tennessee which was halted to save the three-inch-long snail darter fish.

PLF was on the losing side in that case, but it learned a valuable lesson. Later, when the Environmental Protection Agency (EPA) tried to force Los Angeles to build a new $250 million sewage treatment plant, PLF came into court armed with the Endangered Species Act to show why the project should not go forward. It seems that Los Angeles now dumps its sewage sludge deep in a canyon seven miles out at sea. There certain anchovies feed on it, and they in turn become part of the food chain for the brown pelican, an endangered species. Gray whales, another endangered species, also feed on fish that live off the sludge. Stop the discharge of this sludge into the ocean and you'll damage these endangered species.

Sting like a butterfly

What's more, said the PLF, the new treatment plant the EPA wants to force on Los Angeles would be located in El Segundo, habitat of the El Segundo blue butterfly, another endangered species. After a long court hearing, a judge ruled in PLF's favor and stopped the project until EPA could show it would not damage marine life.

Needless to say, the ruling left EPA and its environmentalist allies, to quote one, "in a state of shock." PLF has successfully turned their own Endangered Species Act against them. Although Zumbrun feels the act is "impractical," he took considerable pride in proving it is "a two-way street."

PLF claims an 80 percent success rate since it came on the scene six years ago. Zumbrun, an architect of the Reagan Administration's welfare reform program, and Roy Green, a former president of the Sacramento Chamber of Commerce, founded the firm to strengthen their side in the legal battle over welfare reform. The original staff consisted mainly of lawyers involved in the welfare reform battles, but most of the original attorneys are still with the foundation.

PLF now has a Washington office staffed with five attorneys and headed by Raymond Momboisse, a former California deputy attorney general. The main office in Sacramento includes 10 attorneys specializing in environmental, land use, welfare and general law matters. PLF concentrates on regional legal matters on the West Coast and some suits of national impact, such as the Concorde landing case.

Governed by an 18-member board of trustees, PLF has an annual budget of $1,250,000 and is financed by contributions from about 7,000 individuals, foundations and businesses. PLF will not accept any fees for its efforts; like the public-interest law firms on the consumer-environmentalist side, it is a non-profit, tax-exempt law foundation.

Tony Quinn is co-author of California Public Administration *and a frequent contributor to the* Journal.

Zumbrun

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Until PLF came along, government and major corporations presumed that they could handle their own legal problems, many of which consisted of fending off assaults from public-interest lawyers on the left. Zumbrun and his colleagues felt otherwise, and PLF was founded to provide a public-interest legal arm on the right.

"There seems to be a difference of opinion over where the public interest lies, but we try to make sure the scales of justice are balanced between liberal and conservative," Zumbrum says. "We like to think we stand for mainstream American values."

The middle-America image

Many of PLF's liberal opponents, pointing to the overwhelming support for PLF from business interests, scoff at the middle-America claim and say it is little more than a front for corporate interests. Carl Pope of the Sierra Club, a frequent legal opponent, denies PLF is looking out for the average middle American. "Look behind any of the cases it takes and you'll see big business benefiting. It's not grass roots activity."

An attorney for the Los Angeles-based Center for Law in the Public Interest puts it even more harshly: "PLF is at best superfluous and at worst parasitic." One hears invectives like "California Mafia" and "Anti-Nader's Raiders" from PLF's poverty and consumer activist antagonists. (PLF actually considers the latter tag a compliment.)

Zumbrun justifies PLF's role as legal shock troops for capitalism and free enterprise in terms of larger public interests. Government is no longer the enemy of the liberal activists he says; under President Carter and Governor Brown, many poverty and consumer activists now run the very agencies they used to sue. PLF is challenging the National Highway Safety Administration, run by a former Ralph Nader aide, over mandatory air bags for new automobiles.

The roles have changed, says Zumbrun, with the liberal activists on the inside running the agencies and the conservative activists on the outside. He points to two successful suits against the government as the kind PLF likes to litigate: the *Barlow* case which challenged warrentless inspections by Occupational Safety and Health Administration (OSHA) inspectors, and the recent case which successfully challenged the state's nuclear energy laws.

Because of limited staff and resources, PLF cannot take every case it would like; it specifically eschews cases it feels sure to win, or sure to lose. Before PLF files any case, the board of trustees must approve it according to two criteria: Is it a precedent-setting case? And are both sides of the public interest adequately represented? PLF will step into a case if it feels the pro-business side is underrepresented. This has most often occurred in environmental lawsuits.

PLF freely admits that fighting environmental suits has taken the greatest portion of its time. This is partly because environmentalists made impressive gains after passage of the environmental quality acts at the state and federal level in the early 1970s. One of PLF's first cases involved an EPA ruling that DDT could not be used in Pacific Northwest forests to control the tussock moth. PLF argued that the moth did more environmental damage than DDT and won the case.

Tuna, TV and diamond lanes

In the past year PLF has participated in suits involving Board of Forestry timber harvesting rules, commercial tuna fishing, the Seabrook nuclear power plant, the Trident submarine base in Seattle, grazing rights on federal lands, children's television commercials, pesticide regulations, and a suit PLF particularly enjoyed, the Los Angeles diamond lanes.

Momboisse

The diamond lane was a state Department of Transportation experiment in permitting only carpools on the fast lane of the Santa Monica Freeway during rush hours. It nearly set off a civil war between angry Angelinos and state regulators. PLF filed a suit which led to a federal judge throwing out the diamond-lane plan.

Zumbrun points to this and other recent actions as proof that PLF represents a broad-based constituency, not just the narrow interests of big business. PLF has sued the State Coastal Commission to void a ruling which holds that private property owners in Malibu must provide a public easement to the beach before they can repair damage to their homes from the devastating Malibu tides. Indeed, says Zumbrun, PLF is the real consumer advocate in the legal fraternity now, because consumer concerns have shifted from wanting more regulation of the marketplace to a desire for less regulations and a less inflationary economy. That puts PLF in the consumer's corner, he says.

Consumer activists challenge that assessment, but they do admit privately that their movement seems to have lost much of its punch from earlier years. Zumbrun also says the PLF is more in tune with public sentiment in the post-Proposition 13 political climate than the liberal public-interest law firms.

Buzz like a bee

PLF's relations with state government also seem to be undergoing a matamorphosis. For years, one of PLF's chief governmental antagonists was the environmental unit in the attorney general's office under former Attorney General Evelle Younger. But when PLF sued the state over the constitutionality of the public employee collective bargaining act, it found, somewhat to its surprise, that the attorney general agreed with it and refused to defend the state in the suit. As a result, PLF and the attorney general's office are on the same side in a suit against the State of California, an anomalous position for both the attorney general and the state.

PLF does no lobbying and engages in no political advocacy, although it often finds itself in support of the efforts of conservative and pro-business lobbying groups. But its legal successes have established it as a potent force among those pushing a conservative viewpoint. Critics claim that PLF has taken only easy winnable cases in the past and that in its early years it solicited business to build up a clientele. Whether this was so, PLF today finds itself embroiled in most of the major public-policy issues, not just easy lawsuits.

Perhaps its biggest loss was the *Serrano* case, which it

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entered on the side of the state, defending the constitutionality of California's system for financing schools. Zumbrun is critical of the state Supreme Court's *Serrano* ruling, which declared California's property tax-funded school system unconstitutional, since the U.S. Supreme Court, in a similar Texas case, has held property tax-based school finance systems constitutional.

The *Serrano* experience taught PLF an important lesson: Get cases into federal court rather than state courts. The California Supreme Court has constructed a body of constitutional law separate from and more liberal than that adhered to by the more conservative Burger U.S. Supreme Court. Thus, the reasoning goes, PLF cases that reach the highest courts will do better in the U.S. Supreme Court than in California's court.

The reasoning is probably accurate. Three of the seven California justices — Bird, Newman and Tobriner — can almost always be counted upon to oppose PLF positions; they are often joined by Justices Mosk and Manuel. However, on the federal level, only two of the nine justices, Brennan and Marshall, consistently come down on the liberal side. PLF's big victory voiding California's nuclear law came in a federal lawsuit challenging the state's pre-emption of federal powers.

Because of its ability to get into federal court, PLF, which does not take criminal cases, probably has a higher success rate than those firms and government agencies promoting the conservative side in criminal law matters. PLF can more easily file broad impacting civil actions in federal court, whereas most criminal matters in California are handled by state courts. PLF, for instance, was not involved in the controversial *Tanner* case ("Use a gun, go to prison"), but did enter the *Bakke* case.

PLF filed one of dozens of briefs in *Bakke*, addressing the reverse discrimination issue, but its brief was one of three selected by the prestigious *New York Law Journal* for its review and analysis of this significant case.

The *Bakke* case may also represent a shift in PLF's legal priorities. In its early years, PLF concentrated on supporting the Reagan welfare reforms in the courts and won most of the cases it entered. Later it took on the environmentalists and developed considerable expertise in environmental and land use matters. However, one tenet of PLF's legal strategy was to avoid highly emotional cases, such as busing and abortion. By getting into *Bakke*, PLF could be moving significantly into the major emotional legal issue of the 1980s.

Following its *Bakke* brief, PLF joined in the *Weber* case in Louisiana, the so-called "blue-collar Bakke." It also challenged a federal law which it said called for racial quotas in awarding construction bids for federal public works projects. A federal judge ruled the minority contractor provisions were unconstitutional. Now PLF has gone into state court over the restricted bidding for the Capitol restoration project.

The Capitol construction suit has won PLF no friends with the Legislature, already embarrassed by the scandal-tinged bidding system and huge cost overruns. But taking on the Capitol project may have cast PLF on the side of the angels. That's quite a shift from the foundation's early days. In 1973 PLF was generally dismissed by activist public-interest lawyers as a toady for the narrow concerns of the business establishment. The PLF board of trustees, still entirely white and male, reads like a chamber of commerce who's who. But Zumbrun and his legal strategists have carefully reshaped PLF's image while maintaining its pro-business legal stance.

If, as appears likely, PLF becomes one of the point men in the struggle to end affirmative-action laws, it will clearly find itself on the popular side, as with most of its suits against government regulations. Last year PLF filed a brief supporting the state Fair Political Practices Commission which had sued a former assemblyman for using state-paid staff in his re-election campaign. This case found PLF supporting the political reform movement.

Guerilla tactics

PLF also has undertaken a study of government regulation in the housing industry which contributes to the lack of low- and moderate-income housing in many areas. Finally, PLF has managed to embarrass an old antagonist by filing suit against the Federal Council on Environmental Quality for holding private meetings in violation of the public meetings act.

Public-interest law is really a form of guerilla war. Consumer and poverty lawyers fought it successfully for years, and now are part of the establishment. The Pacific Legal Foundation, ever mindful of the need to win the hearts and minds of the people, is using the activists' own tactics against them. It has even gone so far as to fund a College of Public Interest Law scholarship program for young attorneys interested in the field.

In the budget-tightening days of Proposition 13 government, most of the foundation's lawsuits seem to enjoy popular support; some of the older activist movements by contrast, are experiencing the unaccustomed posture of being on the defensive. But should the mercurial public mood shift again, or some of PLF's positions, such as its general support for nuclear power, lose favor, the battle lines may change. For the present, though, the Pacific Legal Foundation is winning more than its share of the skirmishes.

Newsmakers

A pair of precedents

Former Congresswoman **Yvonne Brathwaite Burke,** unsuccessful Democratic candidate for attorney general last year, was appointed to the Los Angeles County Board of Supervisors by Governor Brown following the sudden resignation of Supervisor James Hayes. Burke is the first black and the first woman on the board . . . **Tom Quinn,** chief political adviser to Brown, indicated he will soon resign as chairman of the state Air Resources Board. His successor is expected to be **Mary Nichols,** vice-chairwoman . . . **Bobbie Metzger,** the Governor's press secretary, announced she will resign in the fall and return to school.

Los Angeles voters recalled school board president **Howard Miller** and replaced him with busing opponent **Roberta Weintraub** . . . Assemblyman **Carmen Perino** was fined $300 by the Fair Political Practices Commission for accepting a cash contribution . . . **William G. Craig** resigned as chancellor of the California Community Colleges after serving less than two years on the job.

Appointed by Governor Brown: **Robert Burton,** brother of two congressmen, as a $51,624-a-year member of the Workers Compensation Appeals Board; banker **Mary Ann Graves** of Berkeley as Superintendent of Banks. The Commission on Judicial Appointments confirmed the nomination of **Coleman Blease,** former American Civil Liberties Union lobbyist, as an appellate court justice. The vote was 2-1, with Attorney General George Deukmejian dissenting.

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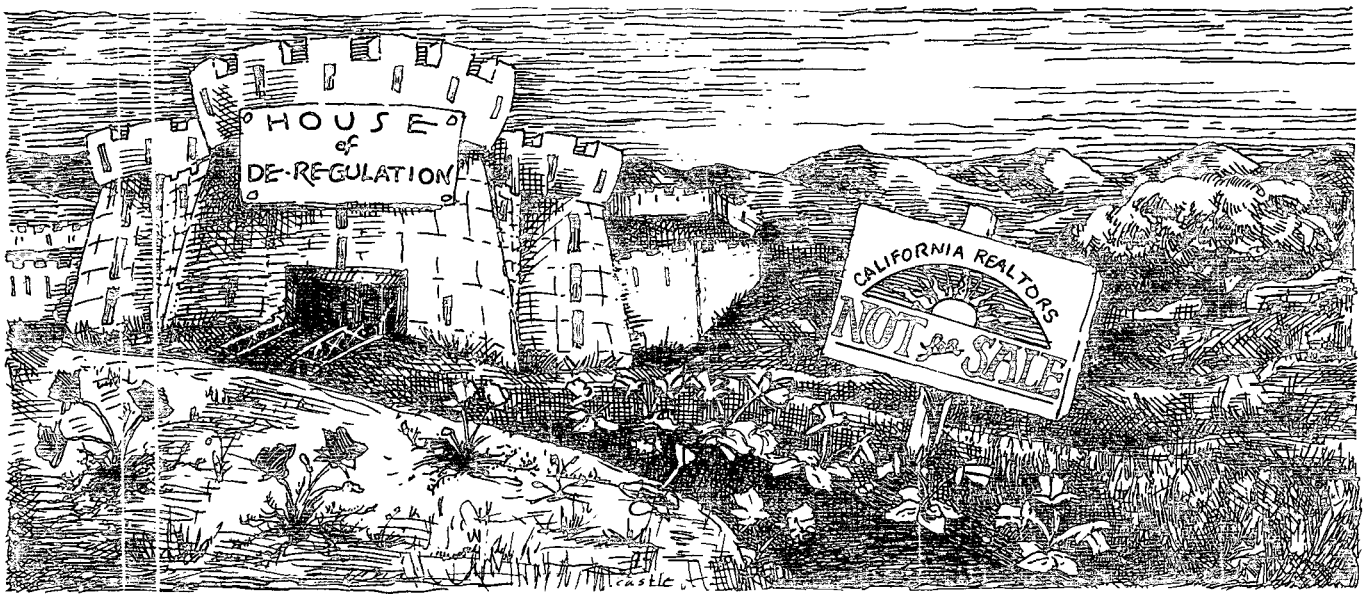
NOT IN THE REAL-ESTATE INDUSTRY



Do business leaders really want deregulation?

By KATHRYN EAKER

For many years, the business leaders of California have been screaming about excess government regulation of industry. This year, Governor Brown joined the chorus and proposed that the state halt regulation of several businesses, starting with real estate salespeople. So what happened? The opposition to the deregulation was led by the real-estate industry itself. And there are indications that other efforts at deregulation will follow the same pattern.

The battle in the Legislature this year centered on SB 615, introduced by Senate Democratic leader David Roberti at the request of the governor. They were joined by the state Department of Real Estate (DRE), the legislative analyst and consumer organizations. On the other side — the winning side — was the California Association of Realtors (CAR).

The proposal would have transferred regulation of real-estate salespeople from the department to real estate brokers, who would be held accountable for the quality and actions of the individuals they hire. Under current law, a salesperson can only work for a licensed broker. The salesperson also must be employed for at least two years and meet additional state testing and background requirements to become a broker. Only a broker can open a real estate office and employ sales representatives.

Under SB 615, the DRE would continue to regulate brokers, and sales representatives would continue to work exclusively for brokers. However, brokers would have the authority to set strict entry and supervision standards to ensure employment of competent salespersons.

Since much of brokers' income comes from sharing in commissions generated by the work of their sales force, proponents of the measure said that brokers should be accountable for the quality and activities of their sales agents. Brokers would face stiff fines and potential license revocation if their salespersons dealt dishonestly with the public.

Legislative Analyst William Hamm argued that brokers are in a better position to assess salespersons than is the department, and that the proposal provided an incentive for brokers to screen out unqualified salespersons. But California Association of Realtors president Clark Wallace disagreed; he rated the defeat of SB615 as CAR's top legislative priority this session.

Kathryn Eaker is a free-lance writer in Sacramento.

Cutting back

Alan Stein, state secretary for Business and Transportation, was the instigator of the SB615 effort. After Proposition 13 passed, Stein asked each of his departments to launch a self-examination, asking these questions: What are we doing? What are the things we should continue to do? How well are we doing them? Should we do them in a different way?

"In the DRE, we decided that the state really had no role in the licensing of agents," Stein says. "We felt that the industry, as in most industries, should be responsible for its own employees."

Stein and DRE Commissioner David Fox decided that present legislation actually serves to insulate the industry from full responsibility for the acts of its employees. By making the industry more reponsible, they argued, consumers would get the protection that state regulation was originally intended to provide. They also contended that the bill would save the state $750,000 a year.

What happened when the Brown Administration tossed the idea to the real estate industry? "We found out they didn't want us to get out," reports Stein. And from an industry that generally calls for government getting out, quite the opposite occurred. 'Stay in,' we heard. Not only 'Stay in,' but 'Maybe you ought to do more.' "

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The administration found that the industry liked having the state licensing certificate, as a kind of imprimatur that real estate salespersons are qualified in some fashion. In fact, the license proves only that the salesperson is at least 18 years old and has passed a relatively simple test. The license does not guarantee that the salesperson is necessarily competent, trustworthy, knowledgeable or ethical.

Also, brokers were concerned that under SB615 they could lose their licenses if the people they hired defrauded the public.

"We could go one of two ways," says Stein, a former investment banker. "Either triple the government's involvement in the effort to protect the consumer by making the laws work through testing, re-testing, enforced education requirements and a variety of other measures. Or go the normal way of business. When business hires someone, they train them, monitor them, watch them, advise them. They are completely responsible for their activity, and the employees become good people in those particular jobs." Looking back on SB615's quick demise, Stein wonders: "How many of our other laws that are supposed to protect consumers are protecting the industry? I think it is a rather bigger issue than the real estate industry. The intensity with which they went at this thing indicates the value."

A quick defeat

SB615 met its first and last test before the Senate Business and Professions Committee. It went down to defeat 3-1, with author Roberti casting the only favorable vote. Harry Snyder, west coast director of Consumers Union, was frankly surprised: "I couldn't believe it. We had a state agency asking for deregulation, opposed by an industry that was saying they want to be regulated. Not only do they want to be regulated, they are willing to pay for regulation."

Some observers say the bill was defeated because legislators doubted that the industry could be trusted to police itself. But the prime reason the bill lost was the lobbying effort by the realtors. CAR has 130,000 members. Although California has 400,000 licensed salespersons and brokers, CAR represents nearly 90 percent of the real estate business in the state. That business rocketed to a volume of $4 billion last year. CAR has four full-time lobbyists, including Dugald Gillies, vice president of government relations, who was designated by legislators as the most effective lobbyist in the state last year in a *California Journal* survey.

"With good reason," Harry Snyder admits. "He is a very smart man and works hard." Of CAR's power, Snyder says, "When CAR sends out a 'red alert' to its members, they can jam the Capitol." (CAR did send out a "red alert" on SB615.)

Gillies denies being all that powerful. He claims that only 10 percent of CAR's business concerns lobbying and the rest deals with education, seminars, publishing real estate books, devising forms, and explaining to the membership what goes on in Sacramento and what they must do to conform practices to law. Last year 500 bills passed through the Legislature concerning the real estate industry. Says Gillies, "If we were that powerful, we would never lose. We don't win them all."

Gillies explains the realtors' opposition to the bill simply: "It was no good." The plan was dropped on the industry "out of the blue" without warning or consultation, he says. One major defect, according to Gillies, was the lack of minimum standards of general conduct. With 90,000 brokers in California, each would have to establish his or her own standards. "I don't think that would have worked or been good for the consumer," he says.

If realtors get together to establish standards of conduct, they may be liable to anti-trust laws, Gillies adds. And the policing effort would be considerable: 400 to 500 persons are screened out each year by DRE, a task that would fall to the industry under SB615, Gillies says.

But DRE Commissioner Fox insists that there is nothing unusual about employers themselves doing background checks. Bonding companies could write low-cost bonds to insure the integrity of salespersons, he says.

CAR also says elimination of a license would mean the end to testing standards, which assure the unsophisticated consumer that salespersons have some minimal knowledge of laws, principles, financing valuation and ethics. But Consumers Union's Snyder disagrees: "Testing is not for competence . . . You can argue for the licensing of every occupation in the state of California. Autumobile mechanics have more sophistication than real estate agents, and we don't license automobile mechanics."

Trying again

Stein's department will try again in the real estate field and is looking into deregulating other industries: security salespersons, who want deregulation, automobile salespersons and exclusive insurance agents. The Department of Consumer Services is trying to get out of a whole laundry list of state-operated commissions: Hairdressers, landscape architects and psychologists are only a few. But Stein admits that resistance is formidable. The going is so rough that legislators are reluctant to sponsor deregulation bills for the administration. No less than 47 legislators refused to carry a bill to de-license exclusive insurance agents," Stein says.

All parties to the conflict expect SB615 or something like it to be back before the Legislature in future sessions. Gillies doubts, however, that the Brown Administration will risk antagonizing the members of his organization in 1980 — an election year. The chances for passage in the future? Not very good, and Snyder has the reason: "The real estate industry has a powerful lobby and doesn't want to be deregulated."

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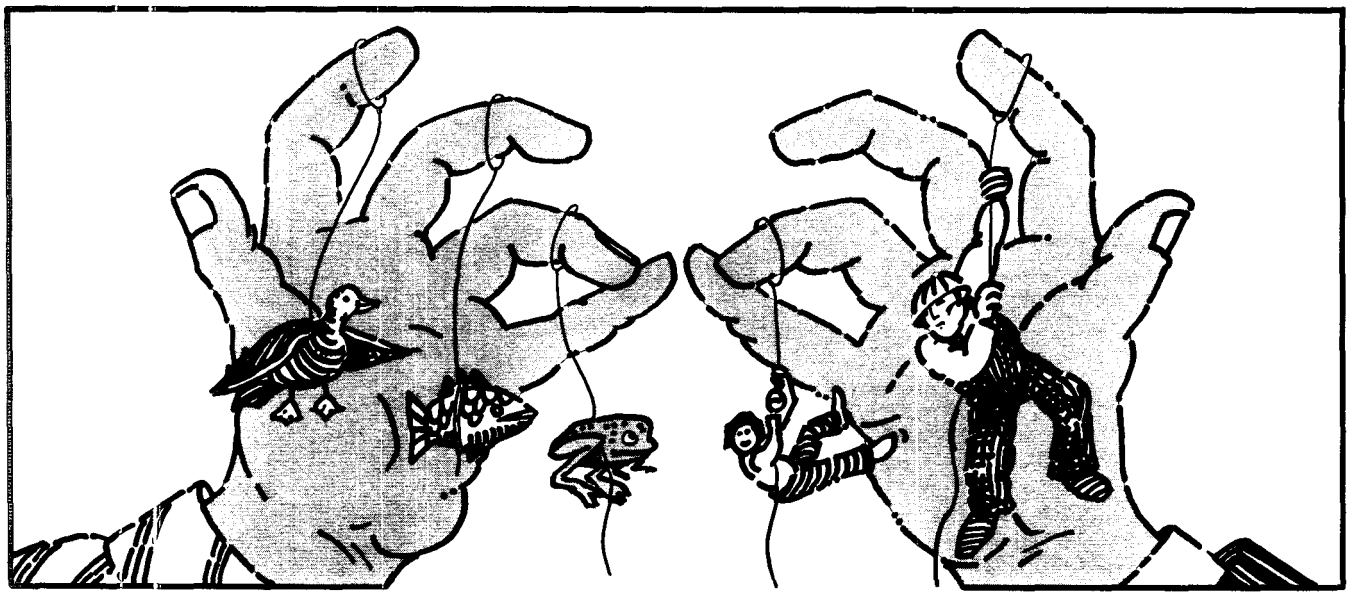
DOW, SOHIO AND ?



The politics of regulation: individual rights *v.* public good

By Bruce E. Jones

Not since the "Dow delirium" of 1976 and 1977 have governmental regulations in California been so battered and abused. The current "Sohio sojourn" has resurrected all the negative buzz words: red tape, bureaucracy, permit delays and bad business climate. But this time the complaints carry with them the sting of Proposition 13, with its implied criticism of everything governmental. Ranking just behind over-taxation and wasteful government spending as popular targets is over-regulation, and the criticism is coming from all directions.

President Carter has bemoaned the nation's "regulatory burden." Governor Brown opened his second term with a call for a reduction in state regulation, and he backed that up with specific proposals. Bill Press, head of Brown's Office of Planning and Research (OPR), says he is trying to cope with "the shark-infested waters of the state regulatory process." The California building industry issued a report charging that lack of housing is largely due to "proliferating involvement of government at all levels." Added Californians for Environment, Employment, Economy and Development (CEEED): "Government must stop taking actions that directly raise the cost of housing."

Pressure points

Regulation takes three basic forms — legislative, judicial and administrative. It is the latter that seems to be most frustrating to the business world. Administrative regulations are executed by faceless bureaucrats and low-level civil servants in a complex structure of agencies unfamiliar to most citizens. And regulate they do. In 1978 the 27,400-page California Administrative Code (which is in 36 volumes) underwent changes on 12,000 of its pages. In California about 150 separate agencies, boards and commissions are able to create regulations which have the force of law but which undergo no coordinated or central review.

The backlash against administrative regulation is growing. Feeling the most pressure are these state laws, agencies and processes:

• ***California Environmental Quality Act (CEQA).*** Since at least 1974 CEQA has been criticized as spawning long and expensive environmental impact reports (EIRs). In the current legislative session, Senator Alan Robbins has sponsored a bill calling for a study to "evaluate all possible negative effects" of CEQA, especially on the economy. (Robbins also asked for an estimate of the number of trees destroyed to provide all the paper for the EIR reports.) Because of recent changes in the law, the likelihood of massive revisions has been reduced, but pressure is sure to continue for more concise and useful EIR documents.

• ***Coastal Commission.*** The continuing attack on this commission has been a favorite pastime of some legislators and many coastal residents since Proposition 20 was passed in 1972 to protect the state's shoreline. This year even the Sierra Club and the commission itself support reduction of its permit powers. A bill by Assemblyman Victor Calvo (AB 834) would remove most single-family homes from commission review and would reduce staff workload by about 30 percent, freeing it for more important planning functions. The bill also has provided a defense against more than 40 other bills introduced this session to reduce the commission's powers more drastically. Of these, only two have survived legislative hearings, but Mike Fischer, the commission's executive director, recognizes them as a sign of the public's "vastly reduced patience for regulation." Fischer feels the Calvo bill is a balanced response toward removing unnecessary controls.

• ***Energy Commission.*** Almost since its inception in

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1974, the state Energy Commission has been criticized by both the environmental and pro-development communities. Its opposition to nuclear power plant construction, strengthened by Governor Brown's recent appointees, has resulted in efforts to abolish the commission. Many of the agency's problems can be traced to poor public relations, but the politics of its survival may now depend on how public opinion responds to the Three Mile Island nuclear accident. It may be that the Energy Commission will outlast its critics because of the near-disaster in Pennsylvania.

• ***The permit process.*** While the details of Dow and Sohio are still disputed, the two projects have come to symbolize governmental interference in industrial progress. The Dow proposal was for a petrochemical complex near Collinsville, on the Montezuma Hills along the Sacramento River. It was announced in February 1975, with an estimate that construction could begin by May 1976, after the "normal course of meeting legal obligations." When Dow Chemical Company abandoned the effort in January 1977, it had secured only four of the required 65 agreements from 19 governmental agencies.

The complex scenario resulted in a general concern about regulatory overkill. Editorial reactions included the *LA Times'* observation about California's "proposterous system of implementing (environmental) controls," and the *Sacramento Bee's* call for restraint in making regulations. Governor Brown labeled Dow's decision "premature" and "unfortunate," but the president of Dow insisted that after more than two years, "we simply saw no light at the end of the tunnel in the regulatory maze."

The unbuilt pipeline

The conflicts were repeated in the recent controversy over the Sohio terminal in Long Beach and the oil pipeline to Texas. This project was even more complex than Dow; OPR says a total of 112 agreements and permits were needed for the project in California, from nine state and 29 local agencies. But for both Dow and Sohio, it was the air quality permits that created the big crunch. The Brown Administration insists that Sohio made an economic decision to pull out, but Sohio, like Dow, chose to make government — especially the Brown Administration — the scapegoat.

Ironically, Brown and his legislative leadership have made substantial progress in streamlining permit processes, with major reforms beginning as early as the mid-'70s. One of the most dramatic and complex of the new permit shortcuts is the concept of air pollution tradeoffs. This process — also described as the "emission offset policy" — is critical to the future regulation of industrial growth in California. It requires any industry wishing to build or expand in an air-quality "nonattainment area" (below federal clean-air standards) to install the best available emission control equipment and and also to find another source of pollutants which it can clean up, to the point that there is a net improvement in air quality. While the "emission credits" tradeoff is not without controversy and is certainly not a simple process, it does seek to balance economic and environmental requirements within the permit process.

Even as Dow was going through its trials, the first streamlining' legislation passed the Legislature. In September 1976 Governor Brown signed a bill to permit "focused" impact reports in order to reduce the bulk and scope of these documents by addressing only truly "significant" impacts.

As a direct result of Dow, Speaker Leo McCarthy rushed through a complex bill with major reforms in both CEQA and state and local permit processes. Agencies now are required to state what data they need to evaluate a project, and they are prohibited from demanding more after the permit process has begun. The new law created higher levels of interaction between regulatory agencies and, most important, set a year-and-a-half time limit for all actions, including the EIR, on a permit request after it had been accepted as complete. (However, there is no limit to the number of times a request can be found to be incomplete.)

The permit evaluation and environmental review processes now run concurrently, not consecutively. If an agency fails to act in time, the permit is automatically approved. While developers gain from the clarity of time frames and procedures, they will also come under heavier pressure to supply all the information needed by governmental reviewers. This was a major issue with the Dow proposal.

McCarthy's bill also requires OPR to help all agencies and applicants comply with the law through a new Office of Permit Assistance, created to help with procedural questions and dispute mediation. OPR must also, "to the maximum extent feasible," consolidate the various required hearings, as was done with Dow. An OPR brochure declares that this effort "should go a long way toward eliminating much of the confusion and delay Californians have faced in dealing with the state's complex system to manage the environment. By taking the mystery out of the permit process and serving in its role as coordinator, the office hopes to build a better working relationship between business and government in California." An OPR permit handbook should be ready this summer.

Another OPR innovation is the California Environmental Data Center which is cataloging available information on natural resources, land cover and agriculture. The data bank is designed to expedite the permit process by providing necessary background information. Ideally EIR and plan writers will not have to spend as much time and money on research.

The "clearinghouse" approach is also the key to another McCarthy bill creating an office of administrative law under the governor. Presently a hearings unit in the Department of General Services merely processes administrative regulations without the authority to amend or reject them. The speaker's bill would require review of adopted regulations within 30 days and permit the administrative law office to consolidate and modify regulations.

Beginning attack

Even with such progress, Bill Press admits, "we have just begun to attack the insidiousness and inequities of overregulation. Courts are a brake on our ability to streamline the permit process, and rightfully so. The independent judiciary and the citizen plaintiff are venerable American institutions." At their best, administrative law and the permit process are intended to balance conflicts and protect the public health, safety and welfare. But sometimes the public interest is overlooked, especially if it has been poorly defined. Because the politics of regulation pit individual rights against the public good, the task ahead will be a delicate and thankless mission.

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Rebirth of the radicals in the politics of Berkeley

By Robert Feinbaum

Those obituaries for the political organization of Congressman Ron Dellums and the Berkeley radical movement may have been a bit premature. Radicals — now called "progressives" — backed by Dellums captured nearly every office up for grabs in Berkeley's municipal election this spring. Dellums' main political foe, Mayor Warren Widener, was defeated by a 43-year-old newcomer both to Berkeley and to elective politics, Eugene (Gus) Newport, a job-development specialist for the United States Department of Labor. Widener's defeat ended speculation that he would challenge either Dellums or the congressman's ally, Assemblyman Tom Bates, in 1980.

The progressive Berkeley Citizens Action (BCA) also elected three city council members: incumbent John Denton, former city auditor Florence McDonald and Planning Commissioner Veronika Fukson. Only one member of the rival moderate slate of the Berkeley Democratic Club, incumbent Shirley Dean, managed to survive the onslaught. Not since 1971, when BCA's predecessor, the April Coalition, elected three members to the council along with a supposedly sympathetic mayor (Widener), have the progressives been so well represented at city hall. In fact, the Dellums organization had suffered a series of defeats in recent elections, leading to speculation that Widener would attempt to deliver the *coup de grâce* in 1980 by running against Dellums himself.

Newport

Battling factions

For the past quarter of a century, organized factions have battled for control of city government in Berkeley. During the '50s and the early '60s liberal Democratic clubs challenged the downtown Republican business interests. In 1961 the Democratic Caucus finally succeeded in electing a majority of the council, including its first black, and started to push for liberal programs. The Democratic Caucus held a majority on the city council throughout the tumultuous '60s. However, the Vietnam War split Democratic ranks so badly that by the end of the decade "new politics" activists were battling traditional Democrats more ferociously than the caucus ever battled local Republicans.

Berkeley's bitter election of 1971 brought out 80 percent of the registered voters. An initiative for "community control" of the police was soundly defeated, but the radical April Coalition slate, which supported the initiative, was unified while liberals who opposed the "police partition" measure scattered their votes among a dozen candidates. This led to the election of three Coalition council members. In the next election, the liberals ran a tight slate and succeeded in electing three of four to the council. Republicans, whose influence was on the wane in Berkeley, threw in with the liberal Democrats in an effort to keep the radicals out of office. Since then no Republican has even come close to being elected to the council.

In 1975, Widener, with support from moderate Democrats and Republicans, was narrowly re-elected mayor. Three of the five council members chosen in that election were sponsored by the Democratic Club. Moderates maintained control of the council. Then in the 1977 city election, the BDC swept all four council seats, giving the moderates their greatest margin on the council since the late '60s.

No burning issue

This year's election produced no burning issue of the kind that has inflamed local Berkeley politics over the past decade. Two initiatives were on the ballot. Both would have been controversial elsewhere, but in Berkeley neither provoked much disagreement. One measure directed the city to take its money out of banks that directly or indirectly made loans to South Africa. The other initiative proposed that the police department give "lowest priority to the enforcement of marijuana laws" by making no arrests for violations, and by spending no money for enforcement of state laws. Both initiatives passed by nearly 2 to 1.

Lack of an overriding emotional issue may actually have helped the BCA this time. In past elections the progressive slate has been tied to losing issues such as rent control. The

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other side was able, as BCA leader Mal Warwick puts it, "to depict us as Huns pounding on the gates. Now it is fairly widely perceived that BCA and its candidates are sound, responsible, progressive people who do not pose a threat to the well being of Berkeley citizens. In the past the Democratic Club succeeded in depicting us as just the opposite."

After their setback two years ago, progressives came to the conclusion that an organization which appears two or three months before an election and then goes to sleep until the next campaign was not equipped to win elections. Warwick was hired as a full-time coordinator, and an office established in the Dellums Community Center in South Berkeley. In 1977, BCA became a dues-paying membership organization, in effect assuming the role of a political party.

In the wake of Proposition 13, BCA sponsored Measure "I" to roll back rents and to return 80 percent of landlords' property tax savings to tenants. It passed with nearly 60 percent of the vote. After passage of the initiative, BCA set up a "hot line" to assist tenants who had received rent increases. It held workshops to inform residents of their rights under the measure. And BCA managed to keep its name in the news as the sponsor of "I," while emphasizing the mayor's and the Democratic Club's opposition to the measure.

Differing views

Since the days of the April Coalition, Berkeley progressives have differed among themselves on the means for achieving change. Some have looked at election campaigns pragmatically, as a way to win control of the council, and thus to change policy. Others have approached elections more ideologically, seeing them as organizing tools to forward a vision of social justice. In 1979 those two perspectives clashed again within BCA.

Progressives have held lengthy, emotional nominating conventions to select candidates for endorsement for city offices since 1971. This year two men vied for BCA's endorsement for mayor. Councilman John Denton, a white attorney, had the support of the pragmatists within the organization. Gus Newport, a black newcomer, had backing from Congressman Dellums and from the ideologues within BCA. After six ballots neither candidate received the two-thirds needed for nomination, and the convention adjourned for one week to allow both sides to muster support.

During that time, BCA leaders worked out an agreement to keep the organization from splitting apart. Whichever candidate was ahead on the second ballot would be the nominee; the other would withdraw. Although Denton held a substantial lead at the close of the first convention, Newport pulled ahead at the second one and stayed ahead to become the nominee. BCA leaders pleaded for unity. Retiring councilwoman Loni Hancock told the convention, "Our worst problems have always been ourselves."

The moderates also regarded unity as essential, and they went about choosing their slate in a less traumatic way than the progressives. The board of the Berkeley Democratic Club interviewed 10 candidates at length and unanimously recommended four of them to the membership. The club's 150 members quickly ratified three of the choices, and after two additional ballots went along with the board's fourth choice, businessman Jack Bonno.

Doorstep tabloids

The campaign was a quiet one by Berkeley standards. After the nominating sessions in January, more than a month went by before the first signs of activity. At the beginning of March, BCA volunteers dropped a copy of a tabloid newspaper on each doorstep in the city. In it, the BCA sounded its main campaign themes: that rent rebates would be in danger if the moderates were elected; that special interests would try to buy another Berkeley election; and that Berkeley's economy would continue to decline if Mayor Widener were re-elected to a third term.

BCA directed its heaviest attacks against Mayor Widener, figuring that if it could cut the head off its opposition, then the tail would die too. Widener ignored most of the criticism and emphasized his own record. He talked most about getting federal money for the city. According to his campaign leaflet: "Mayor Widener's aggressive efforts qualified Berkeley to receive enormous increases in federal funds — an increase from $2.2 million in 1971 to $22.5 million this year." Widener also displayed endorsements from Mayor Tom Bradley of Los Angeles and Mayor Lionel Wilson of Oakland.

In previous election campaigns, the Democratic Club outspent the BCA by substantial margins. This time the funding gap was much smaller. The mayor and the Better Berkeley Committee (the vehicle formed to promote the moderate slate) spent about $70,000, much of which came in contributions of $100 or more. Business interests were among the heaviest contributors to the slate.

BCA raised $30,000 with some new approaches. Homeowners were asked to contribute their Proposition 13 tax savings, which ran into the thousands. They also staged a children's carnival, a punk-rock concert, a dance with bands, an indoor-frisbee sale. A Jane Fonda benefit cocktail party and movie raised more dollars, and the Committee for Ron Dellums contributed to BCA and to each candidate backed by the Congressman.

'The year of apathy'

Yet the media labeled it "the year of apathy" in Berkeley. The *Berkeley Gazette*, the city's daily newspaper, decided for the first time to keep letters about the election out of its letters-to-the-editor columns. On campus the big campaign event was a raffle with a kilo of marijuana as the prize, to benefit the pot-initiative campaign. Otherwise most students seemed disinterested in the local election; turnout in some student precincts fell as low as 15 percent.

Even in the Berkeley hills, where turnout hit 50 percent, the election created less interest than usual. The shockwaves from Proposition 13 may have been a contributing factor. Hill voters may have been satisfied that their property taxes would be limited no matter what the city government did. They may also have felt that nothing much can now be done at city hall. Such an attitude could have hurt the Democratic Club slate which depends for much of its support on the hill areas north and south of the University of California campus.

For the first time since 1971, Berkeley had a serious independent candidate for mayor. His presence in the race changed the outcome of this election, just as the presence of an independent eight years ago changed that election's outcome. In 1971 feisty, conservative John DeBonis siphoned off enough votes from moderate Wilmont Sweeney to elect Warren Widener. This time independent Larry Schonbrun, a young white attorney campaigning with the slogan that "the people are angry," drew about 10 percent of the vote, mostly away from Widener's camp.

Although BCA now has four seats on the council, it is still one vote shy of a majority. The most likely candidate to join with the progressives is Carole Davis, a black moderate who became estranged from Widener's council majority. However, BCA will have to negotiate and sometimes compromise to hold that fifth vote. BCA also will face some difficult problems. Mayor Newport may not be able to produce the federal dollars that Widener did, and the city may lose some programs. The progressives may learn quickly that it is easier to make political promises than it is to deliver them from inside city hall.

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When is government liable for losses from earthquakes?

By TERRY R. MARGERUM

It is March 1980, late afternoon on a warm, hazy Thursday. The sun provides welcome respite from the previous two weeks' heavy rain. In downtown San Francisco the streets and sidewalks are full of people emerging from their work places and jostling one another for the inside track home. The same scene, slightly less frenetic, is taking place in most Bay Area cities.

Suddenly an earthquake rocks the area. Not *the* earthquake — not the monster of 1906 come back to finish the job, but a moderately strong temblor registering 6.8 on the Richter scale and causing considerable damage, injuries and some loss of life. In downtown areas of Berkeley, Oakland and San Francisco, hundreds are injured when stone cornices and parapets crash down on busy walks. Across the Bay an old county hospital partially collapses, killing several patients and nurses and injuring dozens of others. In Berkeley and down the peninsula, scores of hillside homes slip off their precarious perches as the quake loosens the rain-soaked earth.

A few weeks later, just as life is returning to normal, several local governments are hit by an aftershock of a legal nature. Several injured persons and relatives of deceased victims have decided to sue the local governments, contending that the jurisdictions had long known about the dangerous conditions (parapets, the old hospital, the landslide area) which caused the injuries and had done nothing about them. Some plaintiffs point out that for over 10 years San Francisco has had a law requiring the repair or removal of hazardous building appendages such as parapets and cornices. In that time, less than 10 percent of the potentially hazardous buildings had been inspected and less than half of those identified as dangerous had been repaired. By contrast, Los Angeles enacted a similar ordinance in 1949, and by the late 1960s parapets were no longer a major problem there. The law saved both life and property during the 1971 San Fernando quake.

The basic argument in all the suits is that local government's failure to abate known hazards contributed significantly to the injuries. Cumulatively the claims total many millions of dollars. News of the initial suits triggers a flood of litigation against Bay Area cities and counties — and, indirectly, their taxpayers.

Reducing immunity

Not so long ago such suits were inconceivable. Earthquakes and their effects were considered "acts of God" and governments were protected by so-called sovereign immunity, a legal doctrine inherited from the English common law. In simple terms, sovereign immunity meant that the king could get into your pockets, but you weren't allowed into his.

Well, things have changed. For years the courts and legislatures have been reducing the special immunities of government. And the trend continues. Indeed, a woman was recently awarded $50,000 based on her claim that a San Francisco cable car accident (she bumped into a pole inside the car) left her a nymphomaniac. The National Park Service is currently fending off a suit by campers who were

ILLUSTRATION BY PAT CANNON

injured by a lightning bolt while in Sequoia National Park. And there are many less ludicrous but equally sobering cases which could be cited to document this legal trend.

To date the courts have not been asked for a ruling on state or local government's liability for earthquake losses. Following the 1971 San Fernando quake, one suit was filed against the federal government, charging its negligence contributed to deaths caused in the collapse of the Veterans' Hospital in Sylmar. The case was dismissed but its rele-

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vance is questionable because the federal government has more legal protection than local governments and less legal responsibility for building safety. Also, it happened eight years ago, before several court decisions increasing state and local government liability had been rendered.

The general trend in the law, however, greatly worries local government because it clearly points toward increasing liability. This is evident in both legislative and judicial decisions. Their consequences are very costly to taxpayers. A task force report to Governor Brown's Commission on Government Reform said this year that of all the ways government has grown in recent years, none has been more rapid than its growth as a target for claims and lawsuits. Anxious plaintiffs rush to court at the slightest provocation. The California Citizens Commission on Tort Reform found recently that the number of non-auto tort liability claims filed is growing seven to 15 times faster than the state's population. In Los Angeles County, for example, the number of claims filed against the county went from 1,853 in 1975 to 2,863 in 1977.

Increasingly the courts are shifting private losses to the public by going for government's so-called "deep pocket," even where government's involvement in the injury was passive or minimal. The reasoning behind this is that first and foremost, the victim should be compensated. Take one example: A person is injured in a fire caused primarily by the building owner's failure to comply with the building code. The owner is found to have insufficient resources to compensate the victim. Then, the plaintiff argues, local government should pick up the tab, because it contributed to the injury by inadequate enforcement of the building code. Such a charge has been upheld in some cases, even though the local government showed that it had repeatedly warned the owner.

Given such legal facts of life, it is small wonder that many local governments in California cannot afford liability insurance anymore and have taken to the practice of "self-insuring." Losing a few earthquake injury claims could bankrupt smaller jurisdictions which are self-insured.

Other worries

In addition to the disturbing legal trends, there are several other reasons why local governments should be worried:

- ***The diminishing 'act of God.'*** Certainly an earthquake itself is, legally speaking, an "act of God." But how about its effects on structures, people and land? Some experts believe enough is known now about engineering and construction techniques and building codes to prevent structures from serious collapse in moderate quakes. Furthermore, they contend that our knowledge of geology allows us to take into account or build around such obvious hazards as fault zones, bayfill and exceedingly steep slopes. Before long, they conclude, we may even be predicting quakes. Such technological advances diminish the validity of the traditional "act of God" argument.
- ***Public awareness and expectations.*** Both the media and the public are becoming more aware of government's role in reducing the consequences of natural disasters — and expecting government to fulfill that role responsibly. For example, in the 1978 mudslides in Southern California, people asked why the government had allowed developers to build and sell homes in such potentially hazardous areas, places with a clear history of landsliding. As Los Angeles County Supervisor Baxter Ward put it: "The residents of the county are appalled that permits are issued on hillside properties that are unsafe (in severe rainstorms). The public thinks, justifiably or not, that there is some implied guarantee that government knows what it is doing."
- ***Legal uncertainties.*** One might expect that as local governments become aware of their potential liability for earthquake losses, their understanding of the law would motivate them to reduce hazards. But that isn't the way the current system works. In a survey of local officials, 96 percent of the respondents felt that liability laws were extremely uncertain and unpredictable. This uncertainty stems from several sources. The law is not as clear as it should be. Local government officials should be more familiar with the law than they are. Some observers feel that "activist" courts have taken over the law-making function from the legislators. Finally, many lawyers feel that unpredictable juries composed of average citizens may be unfit to judge difficult technical cases and may be more likely than a professional judge to be swayed by emotional pleas and "hindsight" wisdom.

Deeper problems

Problems with the present law go even deeper. In several ways the laws, even if properly understood, actually discourage governments from reducing hazards — hazards of all sorts, not just earthquakes. Here are some ways that current laws defeat their own purposes:

- ***"The-more-you-know" problem.*** One feature of California liability law is that it imposes certain obligations on government once it has "actual knowledge" of a hazardous situation. While it makes sense not to hold government liable for a hazard of which it is unaware, the unintended incentive of this rule is to discourage local governments from discovering hazards through inspection programs or building surveys.
- ***Mandatory duty rules.*** The content and language of local ordinances can be legally relevant in liability cases. Local enactments may impose obligatory duties for which noncompliance could result in liability. This fact gives local governments a considerable incentive to avoid adopting such ordinances or to word them so as to avoid creating a mandatory duty. In a recent case in the state of Washington, the state Supreme Court held Seattle liable for failure to enforce the building code because of a wording technicality in the code. Needless to say, the city quickly changed the language, not only in that ordinance, but in many others also. The effect was to reduce its legal responsibilities.
- ***Affirmative duty rules.*** If a jurisdiction voluntarily chooses to provide a certain service, it may increase its potential liability if it performs that service negligently or — after having caused people to rely on the service — fails to perform it at all. This type of disincentive related to medical treatment in emergencies is what made necessary the enactment of the so-called "good-Samaritan" statutes protecting doctors and nurses. Some examples in government are provision of lifeguards on beaches, bike-lane programs and, most relevant, building inspections. In a case decided by the Alaska Supreme Court in 1976, governments were declared not liable for failing to conduct building inspections, but liable for failing to follow up on any findings from such inspections. This ruling resulted in a severe reduction in inspection programs of state and local governments.

All of these disincentives inhibit a major purpose of the law: to deter negligence, prevent accidents and promote safety. Furthermore, as awareness of liability issues increases, the negative consequences of these disincentives will also become greater. More and more local governments will pull back because they feel that increasing safety goes hand-in-hand with increasing potential liability. Governments should not be penalized for taking steps to discover and eliminate earthquake hazards. Changes in the law are needed so that a local government doesn't have to choose between protecting its citizens as taxpayers and protecting them as potential earthquake victims.

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The Battle of the Bucks

In releasing a detailed statistical report on spending in the 1978 California general election, the state Fair Political Practices Commission came to this conclusion: "In almost every case, candidates who spent the most money won and, invariably, it was incumbents who were able to raise the most money to wage successful campaigns."

But does the data support that contention by the new FPPC chairman, Thomas K. Houston? In the most competitive legislative races, did the incumbents usually raise the most money, and did the biggest spenders always win? The FPPC's own report tends to contradict the chairman's conclusion.

The commission's summary was based to a large extent on averages. But averages often don't tell the story, especially when incumbents spend a great deal of money in non-competitive races for what might be called "institutional advertising."

The big spenders

Look at the big spenders in the Senate and Assembly:

- Of the 10 top spenders in Senate races, five were not incumbents and two others were assemblymen trying to move up to the Senate. The other three were incumbents, and one of them was defeated. Among the top 10, four big spenders were defeated.
- In the Assembly, four of the top 10 were not incumbents. Five of the top 10 were defeated. Add to this the fact that two of the winners spent much of their money helping other candidates because they had safe seats.

These statistics do seem to say that there is plenty of money available for a candidate of either major party when a seat is not considered safe, even when occupied by an incumbent.

The FPPC report shows that 1978 campaign spending in California broke numerous records. Spending in the general election totaled $32 million. This includes $6.4 million spent primarily by four tobacco companies in their successful effort to defeat Proposition 5, the anti-smoking initiative. The Proposition 5 campaign was the most expensive ballot-measure election in history, by almost $2 million. One firm, R. J. Reynolds, spent more on Proposition 5 than Evelle Younger spent running for governor. Younger's total was $2.3 million. Governor Brown spent $3.4 million, making it the first time in recent history that the Democratic candidate topped the Republican nominee in spending.

One candidate for the state Senate, Republican John Schmitz, broke through the $300,000 barrier for the first time in a legislative race. And the competition for lieutenant governor broke a record, with Mike Curb topping Democrat Mervyn Dymally, $1.6 million to $532,000.

Statistical highlights

Grand totals — Constitutional offices, $11 million; Legislature, $11 million; ballot measures, $10 million.

Constitutional offices — Governor: Brown (D), $3.4 million; Younger (R), $2.3 million; Clark (Libertarian), $361,000. Lieutenant Governor: Curb (R), $1.6 million; Dymally (D), $532,000. Attorney general: Deukmejian (R), $824,000; Burke (D), $814,000. Secretary of state: Fong Eu (D), $65,000; Margosian (R), $20,000. Controller: Cory (D), $154,000; Ware (R), $58,000. Treasurer: Unruh (D), $150,000; French (R) $112,000.

Judicial — Vote on Chief Justice Rose Bird: Committees supporting Bird, $341,000; committees opposing Bird, $301,000.

Top 10 Assembly spenders — McCarthy (D), $301,000; Diener (R), $177,000; Suitt (D), $172,000; Mangers (D) $176,000; Robinson (D), $162,000; Wray (D) $160,000; Dryden (R), $157,000; Knoepp (R), $150,000; Allen (R), $145,000; Kapiloff (D), $143,000.

Assembly candidates with surpluses over $50,000 — Bannai (R), $60,000; McVittie (D), $53,000; Priolo (R), $52,000; Deddeh (D), $51,000; Hayden (R), $50,000.

Assembly candidates with deficits over $50,000 — Franklin (D), $131,000; Keysor (D), $90,000; Johnson (R), $70,000; Carter (R), $64,000; Costa (D), $58,000.

Major contributors among Assembly members to other races — Knox (D), $25,000; McCarthy (D), $270,000; Berman (D), $85,000; Vicencia (D), $34,000; Robinson (D), $43,000; total Assembly contributions, $897,000.

Top 10 Senate spenders — Schmitz (R), $346,000; Nielsen (R), $273,000; Cordova (D), $246,000; Keene (R), $238,000; Dunlap (D), $232,000; Giacomini (R), $198,000; M. Garcia (R), $184,000; Stanton (R), $172,000; Presley (D), $137,000; Robbins (D), $122,000. (Schmitz defeated Cordova; Nielsen defeated Dunlap; Keene defeated Giacomini; Presley defeated Stanton.)

Senate candidates with surpluses over $50,000 — Craven (R), $110,000; Holmdahl (D), $108,000; Mills (D), $89,000; Zenovich (D), $80,000; Ayala (D), $64,000; A. Garcia (D), $51,000.

Senate candidates with deficits over $50,000 — Keene (D), $66,000; Schmitz (R), $65,000.

Major contributions by senators to other races — Mills (D) $26,000; total Senate contributions, $113,000.

Organizations spending $200,000 or more — R. J. Reynolds Tobacco Company, $2.4 million to oppose Proposition 5; Phillip Morris Inc., $1.9 million to oppose Proposition 5; Brown and Williamson Tobacco Corporation, $1.2 million to oppose Proposition 5; Lorrilard division of Loew's Theaters Incorporated, $641,000 to oppose Proposition 5; Republican State Central Committee, $589,000 for various GOP candidates; Law and Order Campaign Committee, $293,000, mostly to oppose Chief Justice Bird; California Real Estate Action Committee, $283,000 for numerous candidates of both major parties; United for California (major corporations), $279,000 for numerous candidates, most of them Republicans; Democratic State Central Committee, $236,000 for Democratic candidates; Association for Better Citizenship of the California Teachers Association, $219,000 for various candidates, most of them Democrats.

Initiative spending — Proposition 5 (smoking): For, $654,000; against, $6.4 million. Proposition 6 (homosexuality): For, $1 million; against, $1.3 million. Proposition 7 (death penalty): For, $658,000; against, $12,000.

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Abortions, strikes and storm clouds

Lawmakers headed for the mid-year fiscal roundup with far more strays than usual running loose on the legislative range. As budget crunch time arrived at the end of June, about the only certainty was that a special election will be called this November for balloting on propositions by Paul Gann to restrict government spending and by Senator Alan Robbins to halt busing of students in Los Angeles. The rest of the picture:

• ***The usual partisan*** fun and games were being played with the $16 billion state budget, and it appeared that Medi-Cal abortions would be the most emotional issue for the second straight year.

• ***The Assembly passed*** a permanent Proposition 13 bailout measure for local government, but the Senate balked after Governor Brown predicted that the $5 billion-a-year price tag would require higher taxes. State Director of Finance Richard Silberman presented lawmakers with a revised fiscal forecast showing storm clouds on the horizon.

• ***Some state workers*** went on strike to push Brown for more money. The Governor had threatened to veto the Legislature's generous pay package, although he did up his offer from 7 to 10.5 percent.

• ***The Governor*** proposed a $1.6 billion mass-transit plan financed through an excess profits tax on oil companies and money now used for highways. Parts of the grab-bag program started moving with surprising speed. But lawmakers lost interest in bills designed to help Standard Oil of Ohio build a Long Beach refinery terminal after the company abandoned the project. Brown called the Sohio decision "a gross example of corporate arrogance."

• ***Brown vetoed*** a pet bill of Assemblyman Louis Papan, powerful chairman of the Rules Committee. The measure would prevent banks from selling home and auto insurance. Papan, an insurance broker, was successful in an Assembly override attempt but fell short in his first appeal to the Senate.

• ***In an economy move,*** the Legislature decided to save $400,000 by abandoning gold plate on the refurbished state Capitol in favor of a vertigris covering.

(A detailed analysis of the new state budget and Proposition 13 funding will be included in next month's *Journal.)*

Senate (24D, 15R)	AB 580	SB 27	SB 800	SB 228	SB 778	SB 259	SB 384	ACR 3
Alquist (D)	Y	Y	N	Y	Y	Y	Y	N
Ayala (D)	Y	Y	N	Y	Y	Y	Y	N
Beverly (R)	Y	Y	Y	Y	Y	Y	Y	*
Briggs (R)	Y	N	N	Y	Y	N	Y	N
Campbell (R)	Y	N	Y	*	*	*	*	N
Carpenter (D)	Y	N	N	Y	Y	*	Y	Y
Craven (R)	*	*	Y	Y	*	Y	Y	Y
Cusanovich (R)	Y	Y	Y	Y	Y	*	*	Y
Dills (D)	Y	Y	N	Y	Y	Y	Y	N
Foran (D)	Y	Y	Y	N	N	Y	N	N
Garamendi (D)	Y	Y	N	N	N	N	N	Y
Garcia, A. (D)	*	*	*	Y	*	Y	*	Y
Garcia, M. (R)	N	N	Y	Y	Y	Y	Y	Y
Greene (D)	*	*	N	Y	*	Y	*	N
Holmdahl (D)	N	*	Y	Y	N	*	Y	Y
Johnson (R)	Y	N	Y	Y	Y	N	Y	*
Keene (D)	Y	Y	N	Y	Y	Y	Y	Y
Marks (R)	N	Y	N	N	Y	Y	N	N
Mills (D)	N	Y	Y	*	Y	*	Y	Y
Montoya (D)	Y	Y	N	Y	Y	*	Y	Y
Nejedly (R)	*	*	*	*	*	*	*	*
Nielsen (R)	Y	Y	Y	Y	Y	N	Y	Y
Nimmo (R)	Y	N	Y	Y	Y	*	Y	Y
Petris (D)	Y	Y	N	N	*	Y	Y	N
Presley (D)	Y	Y	Y	N	*	N	N	Y
Rains (D)	*	Y	N	N	N	N	Y	Y
Richardson (R)	Y	N	Y	Y	N	N	N	Y
Robbins (D)	Y	Y	Y	Y	Y	Y	Y	*
Roberti (D)	N	Y	N	Y	*	Y	Y	N
Rodda (D)	Y	Y	N	N	Y	Y	*	Y
Russell (R)	Y	*	Y	Y	Y	N	N	*
Schmitz (R)	*	N	Y	Y	N	Y	N	Y
Sieroty (D)	Y	Y	N	N	*	Y	Y	N
Smith (D)	N	*	Y	N	Y	Y	Y	Y
Speraw (R)	Y	N	Y	Y	Y	N	Y	Y
Stiern (D)	N	*	*	Y	*	*	N	Y
Vuich (D)	*	Y	N	Y	Y	Y	Y	N
Watson (D)	N	Y	N	Y	Y	Y	Y	N
Wilson (D)	Y	N	N	Y	*	N	*	N

VOTING RECORDS

Listed here are the votes of legislators on recent major roll calls through mid-June. Votes selected involve issues of major importance and issues on which there was a major division of opinion, or both.

Y - Yes **N - No**

*** — Absent or not voting**

A ⅔ vote is required for urgency measures, constitutional amendments, and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority. (⅔ = 54 votes)

Senate: 21 votes required for passage of bills needing a simple majority. (⅔ = 27 votes)

Senate

AB 580 (Papan) — Prohibits banks from selling home and auto insurance. Governor's veto sustained, 24 - 8 (27 votes required).

SB 27 (Nejedly) — Increases maximum license fee for carrying a concealed weapon from $3 to $50. Passed, 21 - 10.

SB 800 (Russell) — Allows certain evidence obtained through wiretapping to be used in a state court if obtained through a legal federal investigation. Failed, 18 - 18.

SB 228 (Richardson) — Prohibits the Air Resources Board from submitting a state anti-smog plan to the federal government without prior legislative approval. Passed, 27 - 9.

SB 778 (Keene) — Abolishes state Energy Commission, creates a Department of Energy, and transfers regulatory functions to the Public Utilities Commission. Passed, 24 - 4.

SB 259 (Alquist) — Provides for the state assumption of the cost of county general-assistance programs and establishes state standards for the programs. Failed, 19 - 13.

SB 384 (Alquist) — Eliminates requirement that every vehicle have two license plates and requires display of one plate on the rear of the vehicle. Passed, 24 - 6.

ACR 3 (Gage) — Limits the number of bills a legislator may introduce each session. Failed, 19 - 15.

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Assembly (50D, 30R)	AB 580 SB 27 SB 800 SB 228	SB 778 SB 259 SB 384 ACR 3		AB 580 AB 802 AB 242 AB 8	AB 93 SB 91 SB 1210 AB 1682		AB 580 AB 802 AB 242 AB 8	AB 93 SB 91 SB 1210 AB 1682		AB 580 SB 27 SB 800 SB 228	SB 778 SB 259 SB 384 ACR 3
Agnos (D)	Y Y N Y	Y Y N Y	Ellis (R)	Y Y Y Y	Y Y Y *	Kelley (R)	Y Y Y Y	N Y Y N	Perino (D)	Y N Y Y	Y Y Y N
Alatorre (D)	Y Y N Y	Y Y N *	Felando (R)	Y Y Y N	N Y Y N	Knox (D)	N Y N Y	Y Y Y N	Priolo (R)	Y N Y N	* Y N *
Bane (D)	Y Y N Y	Y Y Y *	Fenton (D)	N Y Y Y	Y Y Y N	Lancaster (R)	Y * Y Y	N Y Y *	Robinson (D)	Y Y N Y	N Y Y Y
Bannai (R)	* N * Y	N Y Y N	Filante (R)	Y Y N Y	* Y Y *	Lehman (D)	Y Y N Y	Y Y Y Y	Rogers (R)	* Y Y N	N Y Y Y
Bates (D)	Y Y N Y	Y Y N Y	Frazee (R)	Y Y Y Y	Y Y Y N	Leonard (R)	Y Y Y N	N Y Y *	Roos (D)	Y Y N Y	Y Y * Y
Bergeson (R)	* Y Y Y	Y Y Y N	Gage (D)	* Y * Y	Y * N Y	Levine (D)	* Y N Y	Y Y N *	Rosenthal (D)	* Y N Y	Y Y N *
Berman (D)	* Y N Y	Y Y N Y	Goggin (D)	Y Y Y Y	Y Y N *	Locker (D)	Y Y N Y	Y Y N Y	Ryan (R)	Y Y N N	Y Y Y *
Boatwright (D)	N Y N Y	Y Y Y *	Greene (D)	Y Y N Y	Y Y * *	Mangers (D)	Y Y N Y	N Y N Y	Statham (R)	Y Y N Y	Y Y Y Y
Bosco (D)	Y Y N Y	Y Y Y Y	Hallett (R)	Y Y N Y	Y Y Y Y	McAlister (D)	N Y Y Y	N Y Y Y	Stirling (R)	Y Y Y N	N Y * *
Brown, D. (R)	* N Y N	N N Y N	Hannigan (D)	Y * N Y	Y Y N Y	McCarthy (D)	Y Y N Y	Y * N Y	Tanner (D)	Y Y Y Y	Y Y N Y
Brown, W. (D)	N Y N Y	Y Y * N	Harris (D)	Y Y N Y	Y Y N Y	McVittie (D)	Y N Y Y	Y Y N *	Thurman (D)	Y Y Y Y	N Y Y N
Calvo (D)	* Y N Y	Y Y N Y	Hart (D)	Y Y N Y	Y Y N Y	Mello (D)	* Y N Y	* Y Y Y	Torres (D)	Y Y N Y	Y Y N *
Chacon (D)	Y * Y N	Y Y N *	Hayden (R)	Y Y Y N	N Y Y *	Moore (D)	Y Y N Y	Y Y N Y	Tucker (D)	N Y Y Y	Y Y Y *
Chappie (R)	* * * *	* * Y *	Hayes (R)	Y Y Y Y	N Y Y N	Moorhead (R)	Y Y N Y	Y Y * N	Vasconcellos (D)	Y Y Y Y	Y Y * Y
Cline (R)	Y Y Y Y	N Y Y *	Hughes (D)	Y Y N Y	Y Y N *	Mori (D)	* Y Y Y	Y Y Y *	Vicencia (D)	Y Y Y Y	Y Y Y *
Costa (D)	Y Y N Y	Y Y Y N	Imbrecht (R)	Y Y Y Y	Y Y Y Y	Mountjoy (R)	Y * Y Y	N N Y *	Waters, M. (D)	Y Y N Y	Y Y * Y
Deddeh (D)	Y * Y Y	N Y Y Y	Ingalls (D)	Y * N Y	Y Y N N	Naylor (R)	Y Y N Y	Y N Y Y	Waters, N. (D)	* Y N Y	Y Y Y Y
Duffy (R)	Y Y Y Y	Y Y Y *	Ivers (R)	Y * Y Y	N N Y N	Nestande (R)	Y * Y N	* Y N *	Wray (D)	* Y Y Y	Y Y Y *
Egeland (D)	Y Y N Y	Y Y * *	Johnson (R)	* N Y Y	N Y Y *	Nolan (R)	Y N Y N	N * Y *	Wyman (R)	Y Y Y Y	N Y Y N
Elder (D)	Y Y Y Y	N N Y Y	Kapiloff (D)	Y Y N Y	Y Y N *	Papan (D)	Y N N Y	Y Y * *	Young (D)	* * * Y	* * * *

Assembly

AB 580 (Papan) — Prohibits banks from selling home and auto insurance. Governor's veto overridden, 58 - 6.

AB 802 (Agnos) — Requires real-estate brokers to disclose to clients that commissions are not fixed by law. Passed, 62 - 8.

AB 242 (Boatwright) — Amendment to annual budget bill limiting Medi-Cal abortions. Rejected, 37 - 39.

AB 8 (Greene) — Provides permanent plan to replace revenues lost by local government as a result of Proposition 13. Passed, 68 - 11.

AB 93 (W. Brown) — Eliminates state income tax deduction for gasoline taxes. Passed, 52 - 22.

SB 91 (Alquist) — Appropriates $208 million to provide state workers with a seven-percent retroactive salary increase. Passed, 70 - 5.

SB 1210 (Foran) — Allows lead content in gasoline to be boosted so that fuel production can be increased. Urgency clause defeated, 45 - 25 (54 votes needed).

AB 1682 (Bosco) — Disqualifies public officials from participating in a decision affecting a business in which the official has at least a 10 percent interest. Failed, 29 - 17 (41 votes needed).

Significant court actions

The Mosk solution

In an unusual action, the state Supreme Court reversed itself and found that the state's 1975 "use-a-gun, go-to-prison" law is constitutional after all. Last December, the court filed a 4 - 3 opinion striking down the law in the celebrated *Tanner* decision. Charges that the ruling was delayed until after the November election for the benefit of Chief Justice Rose Elizabeth Bird prompted an investigation by the state Commission on Judicial Performance, which began public hearings three days before the new *Tanner* decision was issued.

Justice Stanley Mosk singlehandedly caused the reversal by changing sides. Was Mosk convinced by the eloquence of his colleagues, or was he employing the switch to bring about simple justice?

There has been talk in judicial circles that the court's first decision was based more on the facts of the Harold Tanner case than on the legal issues raised by the 1975 law. Tanner apparently committed a robbery with an unloaded gun to show the owners of a convenience store chain that they made a mistake in canceling the security services offered by his firm. Tanner's girlfriend supposedly waited for him in a car. The prosecutor offered to charge Tanner with a lesser offense if the girlfriend would plead guilty, according to an account by those supporting Tanner. The offer was rejected. Tanner was then convicted and hit with the mandatory sentence law.

The court was faced with the alternative of sending Tanner away for a stretch in state prison or finding something wrong with the law. Mosk's switch accomplished both goals. The law now stands. But the court decided unanimously that Tanner was punished enough with his one-year sentence to the county jail.

Chief Justice Bird accused the majority of "a compromise of expediency." She claims the mandatory gun law violates the basic separation-of-powers principle because it provides no flexibility to sentencing judges.

Other Supreme Court actions: In a 4 - 3 ruling, the court declared that a public utility cannot arbitrarily discriminate against homosexuals in hiring and promotions. Police were prohibited from searching the personal property of a minor, even with parental permission, without a warrant, in a 5 - 2 decision. The court declined to review an appellate court decision allowing cross-district busing of students to eliminate segregation in the Ravenswood District near Palo Alto.

Important rulings by courts of appeal: School district resolutions are not subject to referendum because districts, unlike cities, are administrative agencies of the state; the 1978 state budget act provision restricting Medi-Cal abortions is constitutional.

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CHARTING THE LEGISLATURE

The following is a list of significant bills pending before the Legislature on June 19th.

SUBJECT	BILLS	DESCRIPTION	STATUS
BUSING	SB 217 (Robbins)	Calls special statewide election November 6, 1979 for voter consideration of a constitutional amendment severely limiting busing and the Gann government-spending initiative.	*In Assembly-Senate conference committee.*
COURT REFORM	SB 974 SCA 22 (Wilson)	Provides for a limited consolidation of trial courts, resulting in a statewide system of superior courts, each having two divisions.	*On Senate floor.*
CRIMINAL JUSTICE	SB 13 (Richardson)	Increases penalties for the commission of certain violent and sexual offenses.	*Assembly Criminal Justice Committee.*
	SB 500 (Robbins)	Omnibus measure revising laws relating to evidence in rape trials, great bodily injury, psychiatric examinations of victims, sentences, and confidential communications between a victim and a rape-crisis counselor.	*Assembly Criminal Justice Committee.*
	AB 546 (Mori)	Creates a new crime of spousal rape.	*On Assembly floor.*
ENERGY	SB 117 (Campbell) SB 778 (Keene)	Both measures abolish the State Energy Commission and transfer certain energy regulatory functions to the Public Utilities Commission. SB 778 also creates a new Department of Energy.	*SB 117 is in the Senate Finance Committee. SB 778 is in the Assembly Resources, Land Use and Energy Committee.*
HEALTH CARE	AB 1351 (Ingalls)	Creates the Office of Ombudsman for Health to investigate complaints about health-care services and providers.	*Assembly Ways and Means Committee.*
	AB 1558 (Knox)	Creates the California Health Facilities Financing Authority to make loans for the construction of privately owned health facilities.	*On Assembly floor.*
HOSPITAL COSTS	AB 1388 (Torres)	Enacts California Health Facilities Cost Accountability Act to regulate hospital budgets and rates.	*Assembly Ways and Means Committee.*
JUDICIAL APPOINTMENTS	AB 197 (McCarthy)	Enacts procedures for the evaluation of the Governor's judicial appointees by the State Bar of California.	*On Assembly floor.*
MARIJUANA	AB 315 (W. Brown)	Establishes a new penalty structure for persons convicted of growing marijuana.	*On Assembly floor.*
MEDI-CAL PROGRAM	SB 716 (Garamendi)	Department of Health Services proposal to revise major elements of the Medi-Cal program.	*Senate Finance Committee.*
PROPERTY TAX	AB 156 (W. Brown)	Redefines change-of-ownership provisions of Proposition 13.	*Vetoed by Governor.*
PUBLIC FINANCE	AB 8 (Greene) SB 186 (Rodda) SB 550 & 1050 (Holmdahl)	All of these measures would allocate additional state funds for the support of cities, counties, special districts and public schools.	*AB 8, SB 550 and SB 1050 are pending in the Senate Finance Committee. SB 186 is in the Assembly Ways and Means Committee.*
SCHOOLS	SB 234 (Dills)	Major school finance measure to fund K through 12 and community colleges.	*Defeated by Assembly Education Committee.*
	SB 292 (Foran)	Would earmark $3 billion of state sales-tax revenues as replacement funds for the "bail-out" portion of the state budget for public schools beginning in 1980.	*On Senate floor.*
STATE EMPLOYEES	SB 91 (Alquist)	Appropriates $207,669,500 for a 7% lump-sum retroactive salary increase for state employees for the 1978 - 79 fiscal year.	*On Governor's desk.*

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By Leo Rennert

Here come the judges

Washington's most important gift to California this year will not be a new dam, a lucrative defense contract, or a scientific research center. Nor will it be more money for highways, mass-transit or any of the other usual forms of federal largesse. The most significant present this time will be a big infusion of new federal judges. Before the year is out, there could be up to a dozen appointments to U.S. district courts and six more Californians will sit on the U.S. Ninth Circuit Court of Appeals in San Francisco.

JUST IN NUMERICAL TERMS, that's an impressive phenomenon. In any other year, California might expect one new face on the Ninth Circuit and a couple of newcomers in federal trial courts as older jurists drop out. But this time, the White House is set to unleash a floodtide of appointments as the federal judiciary girds for its biggest expansion since the founding of the Republic. More importantly, a qualitative revolution is under way in the makeup of the federal bench in California. President Carter and Democratic Senator Alan Cranston are giving district and appellate courts a younger, more liberal and more integrated look. Last year, Mariana Pfaelzer became the first woman to get a federal district judgeship in California. This year, the breakthroughs continue with selection of the first two Chicanos at the district-court level and the first black and the first Chicano for the Ninth Circuit. It's a pattern that duplicates one of Governor Brown's major achievements — the opening of state courts to heretofore largely-excluded groups. In fact, quite a few of the new federal judges are drawn from Brown appointees to the state bench.

In a historic sense, this sudden avalanche of federal jurists is one of Richard Nixon's unintended legacies. Normally, Congress creates new judicial positions every four years to keep up with growing caseloads. But a Democratic Congress wasn't about to hand Nixon such important nominations, particularly after he was crippled by Watergate. And partisanship again prevailed when Gerald Ford moved into the White House. It wasn't until Carter became president that things got back on track. With the federal judiciary lobbying hard to make up for lost time and to prepare for rising caseloads in coming years, the biggest judgeship bill in history finally sailed through Congress last year. In one swoop, district courts got 117 new slots, while circuit positions were increased by 35.

Traditionally, Democratic senators in a Democratic administration would have been expected to exercise their venerable patronage prerogatives and handpick the new judges. But in the post-Watergate "reform" era, patronage became a dirty word and has to be dressed in fancy clothes. Carter set up presidential "merit selection" boards to screen candidates for appellate positions. Cranston teamed up with the State Bar and Republican Senator S. I. Hayakawa in creating a blue-ribbon commission to recommend finalists for the district vacancies. It was, however, an arrangement over which Cranston retained tight control. Once the choice was narrowed to a few finalists, it was still left up to him to make the final selections.

Thus, it really was not all that surprising that when all the procedural folderol was complied with, the final cast of nominees bore distinct Carter-Cranston brands. So far, with nine district judgeships processed through the Cranston selection mill, there have emerged two blacks, two Chicanos, two women and two Jews. The senator readily admits that he probably would have come up with a similar mix if he'd followed the old patronage system — in view of some of the important constituencies that are critical to his own reelection plans. Cranston, however, argues there would have been different individual faces without the new selection reforms. The blue-ribbon panel, he insists, reached out to get nominees who might not even have applied under the old patronage system. Some political old-timers, who think the federal judiciary was of fairly high quality even before reformers got into the act, disagree. For example, some of the senator's House colleagues say Cranston ended up picking judicial nominees he probably had in mind all along.

Politically, there's an important advantage in grinding judicial nominations through a highly visible, broad-based screening apparatus. It allows Carter and Cranston to claim credit for superior choices and to duck responsibility for possible duds or controversial nominations that might have to be withdrawn. The screening system, with all its professional nonpartisan trappings, becomes an ideal buck-passing mechanism and accountability takes a bath. For example, former Democratic Congressman John Krebs of Fresno badly wanted one of the federal judgeships and mustered solid support from the House Democratic delegation. But agribusiness and labor interests in the San Joaquin Valley opposed Krebs, and Cranston worried about this own image if he named a recently defeated pol to a judicial post. Cranston never had to make the choice; the blue-ribbon panel skipped Fresno altogether when it presented its list of finalists. It was a script worthy of "Murder on the Orient Express" — a victim with too many dagger wounds to establish individual culpability.

BESIDES PFAELZER, Cranston's district-judgeship picks include three Sacramentans — Superior Judge Lawrence Karlton, Municipal Judge Raul Ramirez and attorney Milton Schwartz; Modesto attorney E. Dean Price; and Superior Judges Artemis Henderson and Earl Gilliam of San Diego, Terry Hatter Jr. of Los Angeles and Robert Aguilar of San Jose. Ramirez and Aguilar will be the first Chicanos; Gilliam and Hatter are black.

Carter's California selections for the Ninth Circuit also break new ethnic ground with the promotions of U.S. District Judge Cecil Poole of San Francisco, a black, and State Court of Appeal Judge Arthur Alarcon of San Diego, a Chicano. The others include Los Angeles federal district judges Warren Ferguson and Harry Pregerson; Dorothy Nelson, dean of the USC Law Center, and Stephen Reinhardt, a Los Angeles attorney and long-time Democratic Party activist.

Initial professional appraisals are favorable; the political reaction is one of little surprise.

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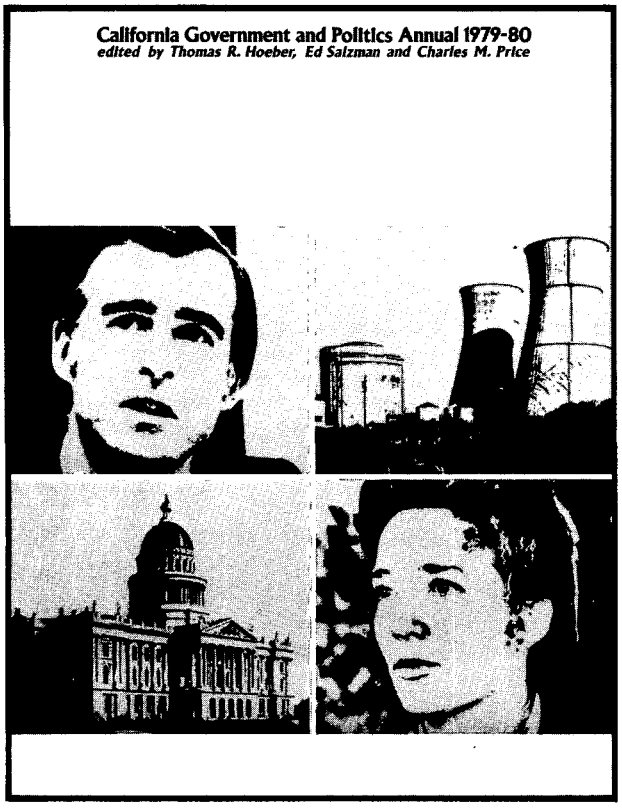
The 10th edition of the

California Government and Politics Annual (1979-80)



The California Government and Politics Annual, published each year since the **California Journal** was founded in 1970, is designed primarily for classroom use. It includes reprints of **Journal** articles covering the spectrum of issues in California government and politics, and this year's 128-page edition features new sections on Proposition 13, business and agriculture. As usual, it contains a "Practical Guide to California Government and Politics" and sections on the branches of government, parties and elections, lobbying and political reform, taxation, local government, women and minorities, energy and the environment, health and welfare, and education.

This edition is dedicated to the late Gary L. Wilhelm, a government professor at Sacramento State University who originally suggested publication of the **Annual**. He died last December at the age of 43. His place as co-editor of the **Annual**, with Thomas R. Hoeber and Ed Salzman, is taken by Charles M. Price, political science professor at Chico State University, author of several books and articles on California government.

Although the book is designed for students enrolled in basic college courses on state and local government, the **Annual** is also valuable to individuals seeking an overview of current California issues.

The price of the **Annual** is unchanged, $3.71, including sales tax. To order copies, use the tear-out card inside this magazine or send your check (or Master Charge or Visa number) to **California Journal Press**, 1617 10th St., Sacramento, 95814. (The standard textbook discount is available to bookstores.)

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It's hard nowadays for a man with five children and eleven servants to make a living.

— Franklin D. Roosevelt

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